

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

IN RE: VALSARTAN PRODUCTS
LIABILITY LITIGATION

CIVIL ACTION NUMBER:
1:19-md-02875-RBK-JS

STATUS CONFERENCE
(Via telephone)

Tuesday, November 24, 2020
Commencing at 10 a.m.

B E F O R E: THE HONORABLE ROBERT KUGLER,
UNITED STATES DISTRICT JUDGE
THE HONORABLE JOEL SCHNEIDER,
UNITED STATES MAGISTRATE JUDGE

A P P E A R A N C E S:

MAZIE SLATER KATZ & FREEMAN, LLC
BY: ADAM M. SLATER, ESQUIRE
103 Eisenhower Parkway
Roseland, New Jersey 07068
For the Plaintiff

GOLOMB & HONIK PC
BY: DAVID JOHN STANOCH, ESQUIRE
1835 Market Street, Suite 2900
Philadelphia, Pennsylvania 19103
For the Plaintiff

LEVIN PAPANTONIO
BY: DANIEL A. NIGH, ESQUIRE
316 S. Baylen, Suite 600
Pensacola, Florida 32502
For the Plaintiff

Karen Friedlander, Official Court Reporter
friedlanderreporter@gmail.com
(856) 756-0160

Proceedings recorded by mechanical stenography;
transcript produced by computer-aided transcription.

1 **A P P E A R A N C E S : - C O N T I N U E D**

2

3 KANNER & WHITELEY LLC
4 BY: LAYNE HILTON, ESQUIRE
5 701 Camp Street
6 New Orleans, Louisiana 70130
7 For the Plaintiff

8

9 DUANE MORRIS LLP
10 BY: SETH A. GOLDBERG, ESQUIRE
11 BARBARA A. SCHWARTZ, ESQUIRE
12 30 S. 17th Street
13 Philadelphia, Pennsylvania 19103
14 For the Defendant ZHP and the Joint Defense Group

15

16 GREENBERG TRAURIG LLP
17 BY: VICTORIA LOCKHARD, ESQUIRE
18 JEFFREY W. GREENE, ESQUIRE
19 STEVE HARKINS, ESQUIRE
20 3333 Piedmont Road, NE, Suite 2500
21 Atlanta, Georgia 30305
22 For the Defendants, Teva Pharmaceutical Industries Ltd.,
23 Teva Pharmaceuticals USA, Inc., Actavis LLC, and Actavis
24 Pharma, Inc.

25 CIPRIANI & WERNER, P.C.
BY: JESSICA M. HEINZ, ESQUIRE
450 Sentry Parkway, Suite 200
Blue Bell, PA 19422
For the Defendant, Aurobindo Pharma USA, Inc., Aurolife
Pharma, LLC and Aurobindo Pharma, Ltd.

HILL WALLACK, LLP
BY: NAKUL SHAH, ESQUIRE
21 Roszel Road
Princeton, NJ 08543
For Defendant, Hetero

KIRKLAND & ELLIS LLP
BY: ALEXIA BRANCATO, ESQUIRE
601 Lexington Avenue
New York, NY 10022
For Defendant, Torrent

PIETRAGALLO GORDON ALFANO BOSICK & RASPANTI, LLP
BY: JASON M. REEFER, ESQUIRE
38th Floor, One Oxford Centre
Pittsburgh, PA 15219
For Defendant, Mylan

1 (ALL PARTIES VIA TELEPHONE, November 24, 2020,
2 10:02 a.m.)

3 JUDGE SCHNEIDER: Good morning, everybody. This is
4 Judge Schneider. How are you?

5 RESPONSE: Good morning, Your Honor.

6 JUDGE KUGLER: Good morning, it's Judge Kugler. How
7 is everybody?

8 RESPONSE: Good morning, Your Honor.

9 JUDGE KUGLER: Is Judge Schneider on yet?

10 JUDGE SCHNEIDER: Good morning, Judge Kugler. I
11 didn't tell the 53 people on the call yet that you may be
12 especially ornery today after the Eagles debacle on Sunday,
13 but now they know.

14 JUDGE KUGLER: Although I didn't stay at a Holiday
15 Inn Express last night, today was free coffee Tuesday at the
16 Wawa convenient stores which are back here in the Northeast,
17 so I took advantage of that, so I'm in a really good mood
18 today.

19 (Laughter.)

20 JUDGE KUGLER: So I hope everyone is well and I hope
21 everyone can have a joyous Thanksgiving. I know times are
22 tough, and I know some of you and us have loved ones who have
23 been affected by this disease, and I know that many, many
24 states, including New Jersey, has severe restrictions on our
25 ability to be with family, but we do all have a lot to still

1 be thankful for. There are a lot of people suffering and I
2 think we're in pretty good shape, all of us, so have a happy
3 Thanksgiving to all.

4 We are going to change things, the way we normally
5 conduct these phone conferences and I'm going to go first,
6 because there are some decisions that I'm going to make about
7 the future of this case, and thank you for your proposed case
8 management orders and your very thorough letters.

9 I know we got overnight from defense counsel this new
10 amended class action Complaint, and I think that Judge
11 Schneider will be dealing with that, and that issue that's
12 been raised that we really haven't confronted before now,
13 we've sort of taken a laissez-faire approach to these
14 amendments, but I think we need to have a more formalized
15 process in place, or we tend to get away from us.

16 Okay. First thing I want to start with is an issue
17 once again raised and I'm not being critical here, trust me,
18 I'm not being critical at all, and this is in Ms. Cohen's
19 letter about personal jurisdiction. You're not going to be
20 filing motions on personal jurisdiction at this time.

21 Let me make it clear once again, that I do not have
22 jurisdiction or authority to get -- conduct trials in any of
23 these cases that came from other states. My authority, unless
24 the parties consent, is to try only those cases that were
25 originated and belong in the District of New Jersey, and

1 that's -- I mean, that's going to open up discussions about
2 trial dates in general.

3 When you get back to your jurisdictions from whence
4 you came, you can certainly raise these issues of personal
5 jurisdiction. I thought we were very, very clear in entering
6 the direct file order that no one was waiving any objections
7 whatsoever to being in the District of New Jersey from the
8 standpoint of personal jurisdiction or venue.

9 So let's talk about trials generally. I mean, you
10 all know that we've been shut down here in the District of New
11 Jersey since March and last I heard, like 25 districts of the
12 94 around the country in the last two weeks have shut down
13 again because of this COVID pandemic that's going on.

14 Our current plan in this district is that we were
15 going to begin in mid-January criminal trials involving single
16 defendants not in custody, just to start the process.

17 No plan whatsoever for civil trials. I don't think
18 that's going to happen given what's going on back here in the
19 East with this pandemic. I would be surprised if we actually
20 try any cases, civil cases and criminal cases this spring. I
21 think it's more realistic to anticipate trials in the summer.

22 Now, having said that, I think there's a
23 misunderstanding among clients and the public about what's
24 going to happen in the courts when we do finally open up.
25 Let's all hope that's true, the news about these vaccinations

1 and that we can get them to millions of people by the end of
2 the year, early spring, and let's hope that everybody then
3 thinks that come summer, we can go about our business. But
4 it's not going to be like the mall is reopening.

5 We're in the service business here in the courts but
6 we're not in the retail business here in the courts. It's not
7 going to be like you can go to the mall in June and Macy's is
8 open like it used to be open, you buy what you want. I don't
9 think people appreciate what's happened.

10 Since early March, when we essentially shut down
11 trials, because the government has continued to indict people.
12 Our federal grand jury here in Camden shut down for about two
13 months and resumed in June to late September, and then we just
14 impaneled a brand-new grand jury in early October. So they've
15 been returning indictments. Lawyers have been filing lawsuits
16 in all these months.

17 So let's assume we can start trials in the summer,
18 that's a 15-month period we've gone without any trials in the
19 courts. That's an incredible backlog, particularly with the
20 criminal cases. It's going to take us, in my opinion, years
21 to catch up to. So I don't think anybody, and this is just
22 generally, not just for this case, should have any
23 expectations that, you know, we've been -- in New Jersey at
24 least, we've been putting off trials for three months at a
25 time and then three months and a trial that -- then when the

1 three months ends finally that, you know, you're next up on
2 the list and you're going to get your case tried. Well, that
3 just isn't going to happen. That's not going to happen
4 anywhere in the country.

5 We can talk about, you know, we can conceptualize in
6 the future trials and bellwether trials and I have some
7 feelings about bellwether trials, I'm not a big fan of them
8 but I accept them.

9 But just remember two things. Number 1, the
10 COVID-induced backlog, and Number 2, this Court, me, I don't
11 have the ability to try anything over your opposition, unless
12 the case originated and belongs in the District of New Jersey.

13 So don't file any personal jurisdiction motions at
14 this time. I appreciate that you want to, but I'm not going
15 to permit it.

16 Can we talk about the easy stuff first. The orders
17 to show cause, because -- the fact sheet deficiencies. This
18 is at Page 18 of Ms. Cohen's letter. There are apparently two
19 people Chance Huey, H-U-E-Y, and Donald Stewart,
20 S-T-E-W-A-R-T, which apparently, you don't want to have
21 dismissed at this time, because you apparently are going to
22 resolve that, so you want those removed from the order to show
23 cause.

24 Do you want them carried to next month on the order
25 to show cause list, Ms. Cohen?

1 MR. HARKINS: Your Honor, this is Steve Harkins with
2 Greenberg Traurig for the Teva defendants and the joint
3 defense group. We can remove them, we do not need to carry
4 them forward. To the extent that we're unable to resolve the
5 issues, we will add them back to the next conference. So they
6 can be removed without carrying forward at this time.

7 JUDGE KUGLER: All right. You got four others,
8 Dorothy Battle, B-A-T-T-L-E; Louis Fisher, F-I-S-H-E-R;
9 Theodore Keller, K-E-L-L-E-R; and Alcus, A-L-C-U-S, Gunter,
10 G-U-N-T-E-R.

11 Should they be dismissed? Any objection?

12 MR. STANOCH: Your Honor, this is David Stanoch for
13 plaintiffs, for the plaintiffs' group. We've contacted the
14 counsel for those four plaintiffs' cases on multiple
15 occasions. I understand that they're aware of it and if
16 they're not on this call now, I think you are correct, that
17 they would be dismissed at this time.

18 JUDGE KUGLER: Anybody want to speak on behalf of any
19 of the four plaintiffs?

20 Apparently not. They will be dismissed, those four.
21 We have now, nine. This begins at Page 20 of the
22 letter. Nine defendants. You want to move to an order to
23 show cause, any changes to those nine?

24 MR. HARKINS: Your Honor, for the defendants, those
25 nine are still pending, so unless there's -- plaintiffs'

1 counsel, we need to discuss them, we would request at this
2 time orders to show cause for each of those nine cases
3 returnable at the December case management conference.

4 JUDGE KUGLER: Any objection from any plaintiff?

5 MR. STANOCH: This is David Stanoch for plaintiffs.
6 No objection, Judge.

7 JUDGE KUGLER: All right. These nine. James Suits,
8 S-U-I-T-S; Charleston Pittman, P-I-T-T-M-A-N; Dan Torghele,
9 T-O-R-G-H-E-L-E; Danny Tarhune, T-A-R-H-U-N-E; Durl, D-U-R-L,
10 Welch, W-E-L-C-H; Patrick Belcuore, B-E-L-C-U-O-R-E; Linda
11 White; Maria Noble, N-O-B-L-E; and Ralph Carmley,
12 C-A-R-M-L-E-Y.

13 They will be listed in an order to show cause why
14 they shouldn't be dismissed for the December meeting.

15 All right, then we have 13 cases. This begins at
16 Page 27. They've already been listed once. You want to list
17 them a second time before we get to the order to show cause.
18 Any changes in those 13?

19 MR. HARKINS: Again, no changes for defendants, Your
20 Honor.

21 JUDGE KUGLER: Any plaintiffs have anything to say
22 about these 13?

23 MR. STANOCH: David Stanoch for plaintiffs. No, Your
24 Honor, we will continue to work with defendants in the
25 meantime on these remaining 13 in the meantime.

1 JUDGE KUGLER: All right. They would be Richard
2 Ramirez; Jacqueline McClennon, M-c-C-L-E-N-N-O-N; Flebia,
3 F-L-E-B-I-A, Hawkins; Evelyn Hardcastle, H-A-R-D-C-A-S-T-L-E;
4 Susan Bird, B-I-R-D; Kelly Smoot, S-M-O-O-T; Rebecca Paul,
5 P-A-U-L; Houchin, H-O-U-C-H-I-N, Troyce, T-R-O-Y-C-E; John
6 Cambron, C-A-M-B-R-O-N; Thomas Aikens, A-I-K-E-N-S; Sharon
7 Lomax, L-O-M-A-X; John Napolitano; and Betty Hebert,
8 H-E-B-E-R-T, that will be listed again in December.

9 And then on Page 34, we have ten who the defendants
10 would like to now list again. Any objection or changes on
11 those ten?

12 MR. HARKINS: No changes for defendants, Your Honor.

13 JUDGE KUGLER: Any plaintiff want to speak behalf of
14 those?

15 MR. STANOCH: David Stanoch for plaintiffs. No, no
16 change.

17 JUDGE KUGLER: All right. They will then be relisted
18 in December.

19 William Lehr, L-E-H-R; Donna Locke, L-O-C-K-E; John
20 Schiano, S-C-H-I-A-N-O; Sonja, S-O-N-J-A, Newcombe,
21 N-E-W-C-O-M-B-E; Naomi Williams; Johnny Ware, W-A-R-E; James
22 Gibson; Lyrik, L-Y-R-I-K, Hightower; Fannie, F-A-N-N-I-E,
23 Walsh; and Euric, E-U-R-I-C, Thomas, will be listed again.

24 Okay. There's also a list of state cases. Can I
25 assume that you don't need the Court to intervene in any of

1 those state cases at the moment, or do you? Anybody want to
2 speak on that?

3 MR. GOLDBERG: Your Honor, this is Seth Goldberg for
4 the parties and the defendants. I believe that is correct. I
5 believe right now all of the state court cases are in such a
6 status as they do not need the Court's intervention at this
7 time.

8 JUDGE KUGLER: Okay. All right. In the defendants'
9 proposed case management order, we suggest that they should be
10 able to file future dispositive motions. Because there will
11 be no summary judgment motions filed without leave of the
12 Court. Those need to be phased when we get to that stage,
13 which is down the road apiece.

14 Okay. Let's -- before I get off the order to show
15 cause, we had a letter a couple of weeks ago from a lawyer, I
16 think, in Louisiana, who represents one of the plaintiffs
17 whose case had been dismissed at the order to show cause
18 stage, wanting to set aside and vacate that order. Please
19 appreciate that we cannot do that by letters, otherwise you
20 lose track of these things. So he was instructed to file a
21 formal motion. So if you're in a position where you represent
22 or know someone who represents a plaintiff whose case has been
23 dismissed at the order to show cause stage, you need to file a
24 formal motion and follow the requirements of the rule, you
25 know, that demonstrate why you didn't timely do what you

1 needed to do and why we should set it aside.

2 So please remember that in the future. We can't --
3 we can't do these things by informal letters just because it's
4 hard to show that everyone gets notice of these things and we
5 need to have a formalized process when we're setting aside
6 orders of the Court.

7 All right. Let's get to this as to where we go now.
8 Where are we going with this thing? I have read both letters,
9 both sides, and I think where we're going to go with this is
10 that we're going to set this thing up for general causation,
11 expert reports, to be served such that come early fall, we can
12 have hearings, *Daubert* hearings on general causation issues.

13 I'm also, as I had indicated in prior discussions
14 with counsel, want to start discovery on all of the issues, on
15 all of the tracks in this case, which means class
16 certification issues and all those kinds of things, we need to
17 start cranking up.

18 I do agree with defense counsel that I'm not going to
19 decide class certification until after the *Daubert* decisions
20 are made, because if -- if the defendants are correct and if
21 the plaintiffs cannot demonstrate general causation, then
22 there's really no purpose in class action. But you're going
23 to be doing discovery on those issues of class certification,
24 so that if the plaintiffs' experts survive the *Daubert*, then
25 we can move immediately into class certification motions and

1 decide those motions at that time.

2 I understand that Rule 23 says for class actions,
3 that the Court should at an early practical time decide class
4 certification, but it's not practicable in this kind of a case
5 at this time. It's a class certification issue.

6 We'll do that in due course after we have a full
7 airing of the general causation issues.

8 Now, looking at the schedule proposed by counsel,
9 this is Paragraph Roman Numeral III of case management
10 schedule of the defendants' proposed case management order
11 that has the deadlines. It gives the plaintiffs until Monday,
12 Monday, to disclose the types of cancer for which they will
13 provide expert reports.

14 I think that's a little -- just a little aggressive,
15 folks. I think the plaintiffs -- I do agree the plaintiffs
16 need to start delineating very soon the cancers which they
17 believe were caused by these -- well, impurities or
18 contaminants, I guess it depends on which side if you're
19 sitting in the case, but these substances. We need an
20 identification of where the plaintiffs think this is going to
21 go.

22 But I think next week is just too soon and I would
23 propose and I suggest and I think it would be fair, required
24 by the end of the year, the plaintiffs to disclose what
25 cancers they expect, anticipate that they'll be able to show

1 were caused by these products.

2 Just so that the plaintiffs -- I mean, that the
3 defendants can start figuring out who's doing what and who
4 wants what.

5 So I think it's really more appropriate -- I don't
6 have any problem with the April 1st suggestion that completing
7 fact discovery on the issues related to general causation. I
8 don't know that it's possible to also serve all the
9 plaintiffs' expert reports on general causation at the same
10 time.

11 They may need to take into account what is discovered
12 in order to express their expert opinions, so I think May 1st
13 is probably a better date for the plaintiffs' expert reports
14 on general causation accompanied by proposed dates of
15 deposition for the plaintiffs' experts.

16 And then, I think, I think a month should be enough,
17 the month of May, to complete the plaintiffs' expert
18 depositions on causation and to also put defendants' expert
19 reports on causation. And again, a list of dates on each
20 expert report -- each expert, I'm sorry, is available for
21 deposition, and then we can complete the expert depositions by
22 the end of July, file the *Daubert* motions by the end of
23 August. I'm not sure you'd need five weeks for a reply on
24 that, so I would suggest that perhaps November 1st for any
25 replies is sufficient on the *Daubert* motions, and then I'll

1 set hearings as soon as we get those papers on *Daubert* motion
2 at that time.

3 We should begin the class certification discovery.
4 Maybe -- anticipating that Judge Schneider will be talking to
5 you about that amended class action Complaint and what that
6 does is affect the schedule, but he can deal with that.

7 Bellwether trials. Bellwether selection process. I
8 agree with defendants that they should suggest 20 potential
9 plaintiffs so you have a total of 40 plaintiffs, which you're
10 taking discovery on for the personal injury cases. Where that
11 leads, I don't know yet. It would certainly be preferable if
12 we're going to do bellwether trials to choose the trials from
13 that 40, but my experience with that has not been satisfactory
14 because you end up with a lot of cases getting dismissed when
15 they're listed for trial.

16 So what I -- what I will do is, I will make random
17 selections if we get to that stage of bellwether trial for
18 that.

19 All right. Does anybody have any questions now about
20 where we're going with this thing? We'll start with the
21 plaintiffs. Who wants to speak for the plaintiffs?

22 MR. SLATER: Hello, Your Honor, it's Adam Slater, how
23 are you?

24 JUDGE KUGLER: I'm fine, Mr. Slater, how are you
25 doing?

1 MR. SLATER: I don't want to step on anyone's toes.
2 I just have a couple of questions on the schedule dates just
3 to clarify a couple things and then I'll let any of my
4 colleagues who want to jump in do so. We're certainly not
5 going to reargue anything you've said.

6 The deadlines that you set, I just want to make sure
7 that we're clear. The May 1st deadline we understand is to
8 serve plaintiffs' reports and get the plaintiffs' experts
9 deposed in May. Please tell me if I understood correctly,
10 that the defense experts' reports will then be served -- I
11 wasn't sure if you were saying the beginning of June or the
12 beginning of July, with them to be deposed in July? I just
13 want to make sure we know that deadline.

14 JUDGE KUGLER: June 1st for defense experts with
15 dates that the defense experts are available for depositions.

16 MR. SLATER: And I was going to suggest, Your Honor,
17 just -- because obviously, we have an interest in moving
18 things along as well as we can, would it make sense, because
19 you had said July, would it make sense to depose the defense
20 experts by the end of June, that way we can get our *Daubert*
21 motions to the Court. I think you said by August, that's
22 fine, by the beginning of August, and then the next question
23 was, you said replies on *Daubert* by the end of November. I
24 would suggest that we, from the plaintiffs' perspective,
25 certainly don't -- will not need that much time. If the

1 motions are served at the beginning of August, or even at the
2 end of August, I don't think we'll need till the end of
3 November to reply to that.

4 So if you would like to push things forward a little
5 bit, I think that there's some room to work us forward a
6 little bit or back as the case may be.

7 JUDGE KUGLER: All right. So what you're suggesting
8 is, the depositions of the defendants' *Daubert* experts -- not
9 *Daubert* experts, but you know what I mean, be done in June.
10 So by July 1, we'll complete the defendants' expert
11 depositions, correct? Is that what you're saying, Mr. Slater?

12 MR. SLATER: Yes, Your Honor.

13 JUDGE KUGLER: All right. I don't have any problem
14 with that. Let's see if we can do that.

15 MS. LOCKARD: If I may, it's Victoria Lockard from
16 Greenberg Traurig and on behalf of defendants. We just need
17 to make sure we build in enough time to -- you know, we will
18 need to take the deposition of plaintiffs' causation expert,
19 and then we'll need time to get the transcripts, get those to
20 our experts, and -- so I just want to make sure we have, you
21 know, a good 60 days between when we get their expert report
22 and are obligated to then produce our expert reports with
23 dates of deposition.

24 I don't think we can turn that around in 30 days.

25 JUDGE KUGLER: Well, I think you can. Why don't you

1 give it a try, we'll see how it goes. Just try to turn that
2 around in 30 days and then -- but we'll keep the -- I think
3 you're right, the proposal in the defendants' case management
4 order has the replies not till November 11th. I don't think
5 you need that much time to do that.

6 MR. SLATER: I can tell you from our perspective,
7 Your Honor, unless somebody wants to, on our side, quiet me
8 down, I would think 45 days would be more than enough time to
9 respond to the *Daubert* motions, and we'll of course be filing
10 affirmative motions against defense experts as well, so it
11 will be -- I assume contemporaneous.

12 JUDGE KUGLER: Yeah. Both sides by August 30th have
13 to file the *Daubert* motions. And then has October 7th for
14 opposition, and then can you -- and I was suggesting
15 November 1st granting replies. That will give you three
16 weeks. After the oppositions to reply to the other side's
17 opposition. Okay?

18 MR. SLATER: That's great, Your Honor, thank you very
19 much.

20 MS. LOCKARD: We can live with it.

21 JUDGE KUGLER: Set that up and we'll get hearings and
22 that, you know, I'm confident that we will have the courthouse
23 open at that time and I contemplate that those hearings are
24 going to take a week or two, and it's generally been my
25 practice on a *Daubert* challenge to permit the expert to

1 testify. Perhaps you want the experts to testify, the other
2 side's expert to be further cross-examined, but, you know, we
3 can set all that up and decide how to do that.

4 Okay. Any other questions about where we're going
5 with that?

6 MR. NIGH: Your Honor, this is Daniel Nigh. For the
7 bellwether cases, we actually didn't contemplate when we
8 picked 20 cases that those were purely for plaintiffs'
9 bellwether techs. So if we're going to do a bellwether plan,
10 we would just ask the planners to pick 20 bellwether -- just
11 like defendants are picking 20 bellwether picks.

12 Those 20 cases we picked were solely for the purpose
13 of getting completed DFSs and we picked them more to make sure
14 that we had coverage across the scope of defendants as opposed
15 to just picking our best 20 bellwether plaintiff picks. So if
16 we're going to do that, we would prefer to at least have our
17 chance of picking fresh bellwether picks.

18 JUDGE KUGLER: That's fine. When can you have that
19 done?

20 MR. NIGH: I think we can get it done -- I think the
21 defendants are going to be on the same page and we would
22 probably exchange bellwether picks at the same time, I think
23 we can get it done in 30 days.

24 JUDGE KUGLER: Okay. 30 days, both sides.

25 MS. LOCKARD: Your Honor, and we can discuss this,

1 but, you know, just to be clear for the record, that now means
2 that we, on the defense side, will have to initiate the
3 defendant fact sheet process for another plus 40 plaintiffs,
4 and the entire process of that takes months because it is a
5 waterfall production of defendant fact sheet, you know, based
6 on the supply chain, the distribution chain.

7 So, you know, that is problematic and somewhat --
8 somewhat, we have put in all of this work for the initial 20
9 defense fact sheet picks. We've started working them up on
10 the defense side, you know, we've started producing and
11 pulling together the defendant fact sheet information and that
12 now will essentially be all for nothing, if we're going to
13 cast those aside and start with, you know, a fresh new pick of
14 20 from the plaintiffs.

15 JUDGE KUGLER: What's the status of the 20 you
16 already have? Have you completed the defendant fact sheet
17 process?

18 MS. LOCKARD: We have not completed, and I believe
19 someone can correct me, but I think that we would be scheduled
20 to finalize the last defendant fact sheet in February, if
21 that's correct.

22 MR. GOLDBERG: Your Honor, this is Seth Goldberg.
23 Just to provide a little color in case Your Honor is not
24 aware. Each of the levels of the supply chain for the
25 defendants have to provide responses to a defendant fact sheet

1 for each of the plaintiffs, and so all of the retailers have
2 been providing defendant fact sheets for those initial 20,
3 which took -- I think they were provided 60 to 90 days, I
4 forget the exact date, I think it might be 90 days, and then
5 that goes up to the wholesalers, because the wholesalers can't
6 complete their defendant fact sheets without information from
7 the retailer fact sheets. They get 90 days and then that goes
8 up to the finished dose manufacturers, who need the
9 information from the downstream defendants and then to the API
10 manufacturers.

11 We had been proceeding on the notion that those
12 initial 20 selected by plaintiffs would go through the
13 defendant fact sheet process, which should be completed
14 somewhere around February/March. It depends really on when
15 the plaintiffs file their plaintiff fact sheets, we think. So
16 we should have that process completed in large part in
17 February/March, adding the 20 plaintiffs that defendants
18 propose would obviously result in the additional work for
19 those defendant fact sheets, but adding 20 more on top, you
20 know, which would require a significant amount of time in
21 terms of discovery from the defendant.

22 MR. NIGH: Your Honor, this is Daniel Nigh. My one
23 response to that would be if we -- you know, for the first
24 time, we've been given a proposal from the defendants on
25 bellwethers and we weren't asked to discuss bellwethers in

1 terms of scheduling, but if they want to, in terms of the
2 timing, they're going to be asking for fresh picks right now.

3 So in terms of the clock, I don't see the fact of us,
4 you know, simultaneously exchanging picks would extend the
5 clock at all, because they're going to have to do all that DFS
6 on their picks anyway. It was never plaintiff bellwether
7 picks. It was picks to do discovery on, and we did it from a
8 cross section of different defendants.

9 So that wasn't our intention but to the extent that
10 they're worried about the level of work and we haven't had any
11 of this discussion, but we could -- if that happened, 20 and
12 20, I mean, 40 is a very large pool, we could have a smaller
13 pool, we can do 15 and 15. That type of thing would be fine
14 with us, this idea of those being plaintiff picks, and now
15 they get to do fresh defendant picks, to me, I would just ask
16 that we be able to do, if we're doing this for the purpose of
17 bellwether, we'd be able to have bellwether picks.

18 MS. LOCKARD: And just to correct, for the record, we
19 submitted to the Court and the plaintiff, at the end of
20 September, our proposed case management schedule. We
21 resubmitted this schedule with some adjustment on October 30th
22 and then we heard back from plaintiff on this, just a couple
23 of weeks ago.

24 So, you know, I take issue with this suggestion that
25 this is the first time we've raised that, you know, we've

1 raised this and we've tried to have this discussion a few
2 times, and plaintiffs have not wanted to deal with the
3 personal injury plaintiff selection or workup, and so they've
4 continued to push it to the back burner.

5 Now, in terms of the numbers, we would need to -- you
6 know, we need to discuss this I think among the defense, that,
7 you know, from my perspective and from Teva's, you know, I
8 think we would be fine with some fewer number than 20, you
9 know, maybe 15, you know, maybe even we could go down to 12.
10 But, you know, I don't have any authority from the other
11 defendants to agree to that just yet.

12 That may be something we can meet and confer with the
13 plaintiff on if the Court's inclined to allow them to go back
14 to the bell and pick new plaintiffs.

15 If that happens, however, then I think it's fair that
16 we take -- you know, we, you know, we continue the deadlines
17 for the previous 20, so that we're not having to work up 20
18 plaintiff cases that aren't even in the bellwether pool for
19 selection. I don't understand why plaintiff would pick 20
20 cases that they wouldn't anticipate being, you know, the
21 bellwethers or at least the focused cases that -- if that is
22 what it is, then at this point, you know, I don't understand.
23 It seems that they don't need to provide discovery on cases
24 that aren't even going to be in the bellwether pool.

25 We need to be working up the real cases so that we

1 can have some sense of what a trial would look like and be in
2 a position, you know, to discuss these with any settlement
3 master that is being selected.

4 So, you know, if we're starting over, then we need to
5 put the others aside.

6 JUDGE KUGLER: Well, this is Judge Kugler. I think
7 that's an excellent suggestion. I think we ought to have the
8 opportunity to discuss this with plaintiffs' counsel and with
9 the rest of the defendants.

10 But I do think it's a really good idea to limit the
11 numbers, and I also think it's a good idea that -- not just
12 abandon the ones that you've already done all the work on.

13 So why don't you talk about that with each other in
14 the next month, and then in the December meetings, we can
15 perhaps -- well, perhaps, you can agree on when and how many
16 to make these disclosures and we'll go from there, since, you
17 know, we're not going to try these cases for quite awhile
18 anyway.

19 All right. I want to talk about the special master
20 at this time. Unless there's anything else that counsel want
21 me to address. Is there anything else before I get to this
22 issue of special masters that you'd like to address?

23 MR. GOLDBERG: Nothing from defendant.

24 JUDGE KUGLER: That's Mr. Goldberg, correct?

25 MR. GOLDBERG: Correct, Your Honor.

1 JUDGE KUGLER: All right. I'm going to ask Judge
2 Schneider to hang up at this time and we'll get him back when
3 it's appropriate.

4 JUDGE SCHNEIDER: Okay. Just send me a text and I'll
5 call back in.

6 JUDGE KUGLER: Okay. No problem.

7 (Judge Schneider leaves the call.)

8 JUDGE KUGLER: This is a process that has been going
9 on for many, many months. We discussed this even back before
10 we closed the courts down, and back in our -- back when we
11 were able to have informal off-the-record discussions, it's an
12 issue that I raised with counsel, and since that time, I've
13 gotten some letters from both sides and then because I agreed
14 to tee this up for today, I got letters from both sides about
15 this issue of special master.

16 The plaintiff doesn't seem to object to the idea, but
17 I'll give them an opportunity to speak, but defendant does
18 seem to object to the idea. Who is going to speak on behalf
19 of the defendants?

20 MR. GOLDBERG: Your Honor, this is Seth Goldberg for
21 the defendants.

22 JUDGE KUGLER: All right. Mr. Goldberg, you're a
23 little garbled in your phone there.

24 MR. GOLDBERG: I'm sorry. Is that any better?

25 JUDGE KUGLER: Yeah. Seems to be a little better.

1 Thank you. So what do you want to say?

2 MR. GOLDBERG: Well, Your Honor, as we've discussed
3 previously, in defendants' view, there is no need at this time
4 to appoint a special master to assist the Court in this
5 matter, and, you know, we can point to Judge Schneider's
6 management of the discovery in this case as the best example,
7 and we can also look at where this case is headed as Your
8 Honor has already, you know, today set a schedule for general
9 causation that really is beginning a new phase of this case.

10 Judge Schneider to this point, in his role as a
11 magistrate has cleared out virtually all of the preliminary
12 pleading issues, such as the short-form Complaints, the Master
13 Complaints and has cleared out all of the written discovery,
14 or least put the parties on a path to complete written
15 discovery.

16 The manufacturer defendants are completing their
17 document productions this week, the wholesaler and retailer
18 defendants, the downstream defendants, I think are completing
19 their document productions. The Court has established a
20 process for plaintiff fact sheets, for defendant fact sheets,
21 as Your Honor just heard. The parties are working through
22 those, so disputes as to all of these issues have really been
23 resolved by Judge Schneider in terms of what would be required
24 with respect to the scope of discovery.

25 Of course, Judge Schneider will hear some more of

1 that -- those kinds of issues over the next few weeks.

2 But what it really shows is that this case is
3 manageable by the Court, by Your Honor with the assistance of
4 a magistrate judge. This is not the kind of case where the
5 parties have, you know, knock down, drag them out disputes
6 that are overburdening the Court. We've been able to resolve
7 most things by agreement, or by routine discovery motions to
8 this point.

9 Going forward, the case is really headed into a
10 different phase. We are now going to get into fact
11 depositions with respect to the defendant employees and the
12 cross-representatives and now per your order today, the
13 personal injury plaintiffs, and so, we're really headed into a
14 place where the disputes are about discovery, will be of a
15 different nature than what Judge Schneider has presided over
16 to this point.

17 So in defendants' view, there does not seem to be the
18 kind of exceptional condition that warrants the appointment of
19 a special master, nor does there seem to be and I --
20 notwithstanding COVID, because Judge Williams has been
21 assigned, nor does there seem to be the lack of an
22 availability of the magistrate judge to assist Your Honor in
23 these proceedings.

24 And it's worth noting, Your Honor, that when you read
25 plaintiffs' letter, well, they are open to the suggestion of a

1 special master, but they have not identified to the Court, nor
2 could they, is a compelling need for a special master, and
3 that's really what is required, is a compelling need to impose
4 upon the parties the cost and the potential delay in these
5 proceedings of a special master.

6 So for those reasons, we don't think a special master
7 is warranted at this time.

8 JUDGE KUGLER: Who wants to speak for the plaintiffs?

9 MR. SLATER: Hello, Your Honor, it's Adam Slater.

10 Your Honor, this is obviously a decision that is well
11 within the Court's discretion, and our letter was written with
12 that in mind as well as with a complete understanding of what
13 Your Honor has communicated to us during discussions over the
14 course of this year.

15 There's no doubt from what Your Honor has been
16 telling us and what Your Honor reiterated today that there is
17 a compelling need for us to have the type of support that a
18 special master can provide. What Your Honor described a
19 little earlier in this conference regarding the criminal
20 backlog in these courts is a scary situation, and those of us
21 who practice in New Jersey understand the load that a
22 magistrate carries for a heavy criminal docket. So that's
23 something that we are closely aware of.

24 We do not agree that the case is now on some sort of
25 a smooth track without any foreseeable difficulties. In fact,

1 the preliminaries in this case have been incredibly complex
2 and we are now transitioning into the most complex phase of
3 the case when we're actually going to start taking the
4 critical depositions around the world in order to establish
5 the factual record for the types of issues that are going to
6 be addressed over the course of the next year or so, per Your
7 Honor's case management order.

8 We certainly believe that, you know, the way that
9 Judge Schneider has handled this litigation has probably, and
10 I'll put this in quotes, "spoiled" the litigants on both sides
11 and allowed the litigants to fall into a sense of complacency.

12 Judge Schneider has spent an incredible amount of
13 time focused on this litigation, his level of availability is
14 unprecedented. The level of work that he puts into this is
15 unprecedented; the conference calls on the weekend, the
16 e-mails at night, the messages from him giving us guidance on
17 upcoming conferences is not something any litigant would ever
18 be conditioned to expect from a magistrate judge in the State
19 of New Jersey in light of the immense caseloads that they
20 carry, aside from the situation we're now facing with COVID.

21 When you look at the entire landscape, the thing that
22 we emphasized in our brief is continuity and Judge Schneider
23 has a level of what we will call institutional knowledge about
24 this litigation which cannot be replicated. Judge Donio and
25 Judge Williams and I guess Judge Williams is the assigned

1 magistrate, technically, are wonderful judges. Judge Williams
2 is a tremendous judge, but there's only so much that one
3 person can absorb.

4 Judge Schneider has been absorbing this for years.
5 Just look at the issues we're going to argue today, the level
6 of granular complexity in just deciding 30(b)(6) topics and
7 how they're to be phrased, et cetera. So the plaintiffs
8 interested in keeping this litigation moving and being able to
9 get to a point where we can -- get to a point where we can get
10 class certification done, where we can get to trials piece by
11 piece of this litigation and eventually bring things to a
12 head. And whether Judge Schneider were to be put in as a
13 special master for all issues, or for a segment of the issues
14 which he and the magistrate could then work out between
15 themselves and give us that constant access, we believe that
16 would be a tremendous benefit to this litigation.

17 So unless there's any questions, I think that's the
18 plaintiffs' position, Your Honor.

19 JUDGE KUGLER: I don't have any questions. Thank
20 you.

21 Mr. Goldberg, did you want to respond in any way?

22 MR. GOLDBERG: No, Your Honor, except on the very
23 last point, and to note in our letter to Your Honor. If Your
24 Honor is inclined to appoint Judge Schneider as the special
25 master and again, we don't -- we don't think that any special

1 master is necessary, then the way to achieve the continuity
2 that Mr. Slater mentioned would be to have Judge Schneider
3 preside over the issues he's been presiding over, which would
4 be the written discovery issues, issues pertaining to the fact
5 depositions, but that new issues, issues pertaining to general
6 causation and *Daubert* and class certification would be
7 allocated to Judge Williams, as those are really things that
8 Judge Williams can pick out, as both judges would be picking
9 those up for the first time, and in that way, Your Honor could
10 achieve the continuity now minimizing the burden on the
11 parties, including the cost burden and the time delay of
12 having things routed through a special master.

13 JUDGE KUGLER: Okay. Thank you for your briefing on
14 this matter and thank you for what you've said. They're very
15 cogent comments on both sides.

16 But I think the balance certainly favors appointment
17 of a special master. As we all know, this has come to a head
18 because of the impending retirement of Judge Schneider from
19 this. One needs to look at Rule 53(a)(1)(c) which sets the
20 standard. The Court can appoint a special master only to
21 address pretrial matters that cannot be effectively and timely
22 addressed by an available district judge or magistrate judge.

23 This is one of the most complex cases currently
24 pending in the United States, there's three different drugs,
25 and we haven't really gotten into the other two drugs yet.

1 There's all kind of different classes of complaints, you've
2 got the personal injuries, you've got the class action medical
3 monitoring, you've got third-party payor class actions, et
4 cetera.

5 Should the medical monitoring class action be
6 certified, claims can be in the millions of people. There's
7 dozens of defendants, there's all kinds of wires of the
8 distribution chain that we're going through, trying to figure
9 out who's who. And although it's not necessarily reflected in
10 the orders entered by the Court, Judge Schneider has decided
11 hundreds of issues.

12 Now as to availability, we have two other current
13 magistrate judges in Camden who are simply swamped with work.
14 We're in a district, as many of you know, that's been in a
15 judicial emergency status for years now. While we expect a
16 new magistrate judge to come on soon after Judge Schneider's
17 retirement, that person has spent his entire career as a
18 prosecutor, has never handled a civil case. We can't exactly
19 ask him to step into the breach.

20 Now the Judicial Conference of the United States has
21 authorized a fourth magistrate judge position in Camden, but
22 we don't expect to be able to fill that under the budget
23 requirements until sometime late in the spring. So that won't
24 do us much good, whoever that new person is.

25 Now perhaps the recent election will change things

1 and we'll get some of our six vacancies filled, but who knows.
2 And even if that logjam, whatever the reasons, there's this
3 logjam in filling seats in New Jersey, let's assume that that
4 gets solved somehow, it's still probably going to take a year
5 before we have new district judges.

6 I think many of you know that I have an enormous
7 docket of criminal cases, I have 90 defendants awaiting trial,
8 many of them are complex trials that are going to take months
9 to try, many others are going to take weeks to try. I have
10 over 800 pending civil cases, and frankly, I'm informing civil
11 litigants that I will not be reaching their trials this year,
12 next year, or probably not the year after.

13 So clearly, we have no available district or
14 magistrate judges and clearly, this COVID pandemic has made
15 matters much worse.

16 Defendant relies on a number of cases, but they're
17 not helpful. They cite the *La Buy*, L-A-B-U-Y, Supreme Court
18 case from 1957, but that was a referral to a special master
19 for trial of two antitrust matters and that case was decided
20 over a decade before Congress passed the Multidistrict
21 Litigation Act which eventually led to the creation of the
22 JPMDL, and that case was decided over 40 years before the
23 extensive 2003 amendment of Rule 53, which the commentary says
24 that Rule 53 is revised extensively to reflect changing
25 practices in using masters.

1 From the beginning, in 1938, Rule 53 focused
2 primarily on special masters who performed trial function.
3 Since then, however, Courts have gained experience with
4 masters appointed to perform a variety of pretrial and
5 post-trial function. And further, the commentary says the
6 employment of masters to participate in pretrial proceedings
7 has developed extensively over the past two decades as some
8 district courts have felt the need for additional help in
9 managing complex litigation.

10 That was written almost 20 years ago. I think it's
11 important to remember how Rule 53 amendment came about, and
12 this is how rules get amended and happen. The Judicial
13 Conference of the United States is the governing body of the
14 United States Judiciary. It's composed of a chief judge in
15 each circuit and a district judge from each circuit, the Chief
16 Justice of the United States is the chair who rarely votes,
17 and the Judicial Conference has committees which advise it, as
18 such things as the budget and personnel and rules, and there
19 is a committee on the rule, including one on the civil and one
20 on criminal, one on bankruptcy, et cetera, and the rules
21 committees are made up mostly of judges, but they also have
22 some academics and lawyers, and after public hearings, the
23 committee then proposes a new rule or a rule change to the
24 Judicial Conference which then votes whether to approve it or
25 not.

1 If approved, it goes to the United States Supreme
2 Court and they are rare, and on occasion, some justices have
3 objected to some rule changes, the Supreme Court then decides
4 whether to approve the rule, and if they do, then it goes to
5 Congress, the Chief Justice sends it to Congress, Congress has
6 180 days to reject it. If they remain silent, the rule or
7 amendment goes into effect.

8 So the 2003 amendments to Rule 53, which noted the
9 change in practice, from the days when we just had special
10 masters performing trial functions, to now where we have
11 special masters doing the job, is clearly approved by the
12 Supreme Court.

13 Defendants also rely heavily on *Prudential Insurance*
14 *Company versus U.S. Gypsum*, which is a 1993 Third Circuit
15 case. That was not an MDL case and again, it was a full
16 decade before the complete rewrite of Rule 53, and it came at
17 a time when I think that we believed and certainly the
18 Judicial Conference believed, that expansion of magistrate
19 judge system in the United States would be able to cure the
20 then critical congestion in the courts. In that case, the
21 *Prudential* case, the referral to a special master came after
22 five years of discovery, and it directed the special master to
23 rule on contested dispositive motions.

24 I have no intention of having a master in this case
25 rule on any dispositive motion.

1 The case the defendants don't cite is *Glover*,
2 G-L-O-V-E-R, versus *Wells Fargo Home Mortgage*, which appears
3 at 629 Federal Appendix 331, Third Circuit case from 2015, and
4 certain was denied by the Supreme Court in 2016. And though
5 it's not precedential, it is instructive, and that was a class
6 action case raising four closure-related issues. It was
7 nowhere near as complex as our case.

8 And in that case, after only 21 discovery-related
9 motions, which such -- described as aggressive motion
10 practice, how quaint, the magistrate judge on the case
11 appointed a special master to continue the discovery issues.
12 The Circuit noted the apparent change by 2015 in the process
13 of appointing special masters and noting that that Supreme
14 Court case *La Buy* was decided long before the change in
15 Rule 53. Therefore, the Third Circuit approved the
16 appointment of a special master for discovery-related issues.

17 I think Judge Sleet, District of Delaware, got it
18 right in the *Joint Stock Society* case, which is reported at
19 104 F. Supp. 2d 390, District of Delaware, 20 years ago, even
20 way back then before the Rule 53 amendment.

21 Before that, the critical concerning cases wherein
22 issues referred to a special master over the objection of one
23 of the parties, is whether the district judge has
24 impermissibly abdicated his or her constitutional powers by
25 authorizing the master who lacks the distinct attributes of

1 Article 3 status can make dispositive rulings which determine
2 the fundamental light or interest of the parties.

3 We don't have that situation here. Masters are not
4 going to be exercising Article 3 rights.

5 Now, JPMDL doesn't break out the statistics and there
6 is some talk in your letters about the statistics. The clerk
7 of the court was able to identify for us 12 other MDL cases
8 they felt were less complex than this one, and in which one or
9 more special masters has been appointed.

10 And there's 2738, the *Talcum Powder* case. Although
11 there's over 20,000 cases, there's only one defendant and one
12 product.

13 2820, the *Dicamba*, D-I-C-A-M-B-A, *Herbicide* case,
14 there's less than 50 cases.

15 2824, the *Gold King Mine* case, there were only six
16 actions in that case and the special master there is a formal
17 magistrate judge.

18 2841, the *Monat*, M-O-N-A-T, *Hair Care Products* case,
19 there's one defendant, 13 cases.

20 2850, *Wear White Industries Employee Antitrust*, now
21 closed, but there were 13 cases, three defendant groups.

22 2879, the *Marriott Customer Data Breach* case, there
23 were 90 actions, only one principal defendant.

24 2914, *ERMI LLC* patent litigation, that was all about
25 one patent, 12 different lawsuits, again, special master is

1 appointed.

2 2656, *Domestic Airline Travel Antitrust* case, 100
3 cases, conspiracy to fix prices by direct purchasers.

4 2599, *Takata*, T-A-K-A-T-A, *Air Bag*, 350 total cases,
5 economic loss of personal injury.

6 2333, the *Lipitor Antitrust* case, there's 34 total
7 actions, and that was an action by direct purchasers and
8 third-party payers in the patent case.

9 2311, the *Automotive Parts Antitrust*. There's 370
10 actions and plaintiffs were end payers, direct purchasers,
11 dealerships, original equipment manufacturers and even states.

12 2151, the *Toyota Unintended Acceleration* cases, 450
13 total cases, one defendant. There were economic loss class
14 actions and personal injury cases.

15 They also supply us a number of cases, about 20, in
16 which there's been more than one special master in 20.

17 So I think it's fair to characterize this as one of
18 the most complex MDLs currently pending in the United States.
19 I think it's very clear that we do not have the ability to
20 effectively and timely address pretrial matters in this case.

21 Defendants also raised the issue of cost, and again,
22 Rule 53 (a) (3) and 53(g) required that I look at the issue of
23 cost and the fairness of imposing the likely expenses on the
24 parties, that I must protect against unreasonable expense or
25 delay. I'm not -- I have not seen what the like could

1 possibly be, as to unreasonable expenses, you know, the
2 defendants cite an hourly rate that they think they'll have to
3 pay, but there's no perspective and no context.

4 For example, none of the defendants are willing to
5 tell me how much collectively they've charged their clients
6 thus far in this case. I bet it's in the millions of dollars.
7 None of the defendants have indicated to me what their budgets
8 are. I'm quite confident that these corporate defendants
9 required counsel to submit a budget with an estimated cost in
10 the future, based on my experience in these cases, and, you
11 know, I do pay attention to these MDL cases around the
12 country.

13 I anticipate the collective defense costs in this
14 case will exceed, by the end, \$100 million. So when you take
15 that into consideration and when you see the perspective of
16 what it costs for special masters, it's miniscule.

17 And it goes without saying that some of these
18 defendants are some of the largest corporations in the world
19 with billions of dollars in annual profits.

20 So I don't think raising the issue of cost is helpful
21 whatsoever.

22 I will take the defendants' suggestion that we'll
23 allocate these costs of special masters 50/50, between the
24 plaintiffs' side and the defense side.

25 How you reallocate that among your various people is

1 up to you to figure out in the first instance, and, of course,
2 you know, I can resolve any of those.

3 Now, as I have stated in the past, I think we should
4 have separate special masters for the settlement part of this.
5 And I have given defense counsel till November 30th to suggest
6 names, and I will do that also regarding a special master for
7 discovery purposes. I'll give you till November 30th, and
8 trust me, folks, I know Thursday is Thanksgiving this week, I
9 get it, but these are the dates that you asked for. I mean,
10 this is an issue we've been kicking around for many, many
11 months.

12 So by November 30th, as to the discovery special
13 master, you can suggest names. If you can both sides agree on
14 Judge Schneider, that's great, but I'm not telling you you
15 have to or don't have to. That's your choice. If you can't
16 agree on Judge Schneider as the discovery special master,
17 well, then, I'll find somebody else.

18 You've got till the 30th to suggest names to me for
19 settlement master.

20 Now, I may or may not agree with your selection.
21 It's my intention at this point to inform you in early
22 December who I select as special masters for discovery and for
23 settlement purposes, because I believe that you have a right
24 to object on grounds of conflict of interest or bias for
25 anyone I select.

1 So there will be a period of time after I inform you
2 of the names where you can submit objections on those grounds
3 and we'll see how that goes. So I expect to hear from
4 everybody by Monday if you want to suggest names. You don't
5 have to suggest names, but if you want, this is your
6 opportunity.

7 All right. Any question about special master?

8 MR. GOLDBERG: Nothing from defendants, Your Honor.

9 MR. SLATER: We have no questions, Your Honor. We
10 have no questions, Your Honor, from the plaintiffs. Thank
11 you.

12 JUDGE KUGLER: All right. Now, apparently you're
13 done with me. Maybe for some of you, that's a good thing.

14 So let me get Judge Schneider back on the line. He
15 may, I don't know how long he's going to be, but I looked at
16 your agenda. There's a lot of things apparently he's going to
17 discuss. He may find it necessary to take a break, but let me
18 get him to tune in.

19 (Judge Schneider joins the call.)

20 JUDGE SCHNEIDER: Hello, this is Judge Schneider.

21 JUDGE KUGLER: Hey, Judge Schneider, it's Judge
22 Kugler. I'm going to turn this over to you. I'm done with my
23 portion of this. I told counsel that depending how long you
24 run, you may want to take a break at some point or they may
25 want to take a break.

1 So, everybody, please have a safe, healthy
2 Thanksgiving, and we'll talk to you soon. Take care.

3 (JUDGE KUGLER LEAVES THE CALL.)

4 JUDGE SCHNEIDER: Good morning, everyone. I received
5 your letters, obviously, I read them. Sounds like we have a
6 lot to chew on and I would appreciate your help in discussing
7 generally how we should approach these issues.

8 Let me start with the Amended Complaint issue that
9 Judge Kugler and I had a chance to discuss.

10 This is the Amended Complaint that was filed
11 yesterday in the Erie case. We're going to -- we're going to
12 enter an order vacating the Amended Complaint and requiring
13 that if the plaintiffs want to file an Amended Complaint, they
14 have to file a motion seeking leave.

15 In addition, an order is going to be entered at --
16 like Judge Kugler said, we've been a little lax with these
17 Amended Complaints, and to avoid any situations of the sort
18 that we have with regard to the Erie Complaint, we're going to
19 require that all requests to amend the Complaint be
20 accompanied by motions.

21 I will point out that local Rule 15.1 requires that
22 when a motion to amend is filed, it has to indicate whether or
23 not there's consent or an objection to the motion and a
24 redline copy of the proposed amendment has to be provided.

25 That will enable us, especially in this case, to

1 accelerate the decisions on the motion. Most of the -- most
2 if not all of the requests to amend were not terribly
3 substantive, so it was pretty routine that the amendments were
4 granted. As to those sorts of amendments, when the motion is
5 filed, we'll take a look at them. If it indicates there's no
6 objection, we'll enter an order granting the motion even
7 before the return date.

8 But if there's going to be an objection to a motion,
9 you know, they'll be briefing, and, you know, appropriate,
10 like I said, appropriate briefs and we'll decide it on the
11 merits.

12 So that's what we're going to do with regard to the
13 Amended Complaint. We'll enter an order with the date -- I
14 took good notes -- the dates that Judge Kugler indicated, and
15 we'll memorialize that in a case management order that you'll
16 get probably -- well, maybe even before the holiday, but I'm
17 not sure.

18 In looking at the agenda, we'll obviously address any
19 issues the parties want to address. There's a lot of meaty
20 issues to address. I'd appreciate the thoughts of counsel
21 about the best way to approach this.

22 We have the 30(b)(6) issues, we have the addendum
23 issues. Looking at my notes from review of the plaintiffs'
24 letter, the ZHP production deficiency issue, the wholesaler
25 discovery issue. I think those are the big issues to deal

1 with.

2 You know, we could spend all day, if we have to go
3 through each issue for each of the one, two, three, four,
4 five, six defendants. My thoughts are, I think the most
5 important issues in terms of timing is probably the addendums
6 to the depositions because those are going to start in
7 mid-January, and then -- so I would propose we deal with that
8 first and then the 30(b)(6) issues, if we have time.

9 Any objection, any different thoughts about if
10 there's a more pressing or important issue than the addendums?

11 MR. SLATER: Hello, Your Honor, it's Adam Slater. I
12 think that the 30(b)(6) issue is probably more pressing and we
13 want to certainly address that today because the trigger point
14 for the defendants to start talking to us about who their
15 corporate reps are and start to being -- which will allow us
16 to start talking about who we need to depose beyond corporate
17 reps, all of that is triggered on getting these 30(b)(6)
18 notices finalized.

19 JUDGE SCHNEIDER: All right. Mr. Goldberg, any
20 objection if we deal with those issues first?

21 MR. GOLDBERG: That's fine, Your Honor.

22 JUDGE SCHNEIDER: So let's talk about how to approach
23 this, because I know there's different issues for each of the
24 six people.

25 Is there a way we can identify the common issues that

1 cut across all the notices and deal with those first, and then
2 if we have to, to deal with the individual issues.

3 MR. SLATER: Yes, Your Honor. I was going to
4 suggest -- again, it's Adam Slater for the record. We've
5 provided the notices to Your Honor in -- just in a random
6 order starting with Aurobindo.

7 I think the way that it would play out is, we can
8 start with Aurobindo, for example, and as an issue comes up
9 that is addressed by the Court, when we get to the next party,
10 if the same issue is there, you know, Your Honor will likely
11 have addressed it, and if there's any specific nuance to
12 another defendant, they can certainly raise it. But I would
13 think that after we get through a couple of these, because
14 there's not that many issues in dispute at this point, that by
15 the time we get through a few of them, we'll be getting to the
16 point where you will be able to ask defense counsel if there's
17 any other issues that haven't been addressed yet. So I was
18 thinking that might be an efficient way to go through it, and
19 by the end, we will then have each of the notices completed
20 and we'll be able to know what we need to do with them and get
21 them entered.

22 MR. GOLDBERG: Your Honor, this is Seth Goldberg. I
23 -- I actually disagree about trying to proceed with the
24 30(b)(6) notices. I disagree about the efficiency. We did in
25 our letter present to the Court the global issues that run

1 across the notices, and we think we can walk through those
2 global issues with Your Honor fairly efficiently at the
3 beginning of this discussion, before Your Honor gets to the
4 parties' specific notices.

5 JUDGE SCHNEIDER: I agree. Let's deal with the
6 global issues first and then we can get to the individual
7 issues.

8 I have your letter, or Ms. Cohen's letter in front of
9 me. Should we start on Page 2, Mr. Goldberg, subsection A1,
10 jurisdiction. Is that the appropriate place to start?

11 MR. GOLDBERG: That is, Your Honor, and I am going to
12 pass the baton to my colleague, Barbara Schwartz, who has
13 really been focusing on the 30(b)(6) issues.

14 JUDGE SCHNEIDER: Great. Ms. Schwartz, I think Judge
15 Kugler dealt with the first issue dealing with jurisdiction,
16 where he said, and it will be memorialized in an order, that
17 no jurisdiction motions are going to be filed without leave of
18 Court. So is the first general global dispute moot?

19 MS. SCHWARTZ: Yes, Your Honor. I think Judge
20 Kugler's comments addressed that issue.

21 JUDGE SCHNEIDER: Okay. Let's go to the second
22 issue. Limitation to Valsartan for sale in the United States
23 market.

24 Let's hear from the defendants and then we'll hear
25 from plaintiffs.

1 MS. SCHWARTZ: Sure, Your Honor, and before jumping
2 in specifically to this topic, just a general comment really
3 relating to all our general topics here, is that we're really
4 seeking to do two things, and those are to limit the notices
5 to the parameters that the Court set out in the macro
6 discovery order that was entered around this time last year,
7 and also, to identify the topics with the requisite
8 particularity which will enable the defendant to identify the
9 correct corporate designee and adequately prepare those
10 designees as necessary.

11 So I mean, those principles don't really apply to
12 this topic. What we're seeking to do is to expressly
13 incorporate the Court macro discovery rulings on the scope of
14 discovery with regard to the specific product at issue in this
15 case.

16 So on November 20th, 2019, Your Honor rendered an
17 oral opinion where you noted that this case involved sales of
18 Valsartan in the United States and that is where the focus of
19 plaintiffs' discovery should be.

20 In the associated macro discovery order, I believe at
21 Paragraph 7 did include a limited exception.

22 JUDGE SCHNEIDER: Ms. Schwartz, can I just -- just to
23 make sure we're on the same page, because I looked at this
24 last night, are we talking about the Court's order dated
25 November 25, 2019?

1 MS. SCHWARTZ: Yes.

2 JUDGE SCHNEIDER: Okay. Great. So we're on the same
3 page. Great. Continue.

4 MS. SCHWARTZ: Great. So in that order that you just
5 referenced at Paragraph 7, you reiterate the focus on product
6 intended for the United States market with the limited
7 exception or documents from any source regarding unknown and
8 unidentified testing peaks to a general toxic impurity in
9 Valsartan API or Valsartan.

10 JUDGE SCHNEIDER: Can I jump in here. Ms. Schwartz,
11 I'm sorry, again, for interrupting. I just want to make sure
12 that we got the right paragraph. I don't know if you have the
13 order in front of you.

14 Paragraph 7 specifically addresses the request for
15 foreign sales marketing materials and agreements. Is that the
16 paragraph you intend to refer to?

17 MS. SCHWARTZ: That's right.

18 JUDGE SCHNEIDER: Okay. Great. Okay, I'm sorry.
19 Continue.

20 MS. SCHWARTZ: What the manufacturer defendants are
21 requesting here is that the scope of discovery that is
22 expressly laid out both in your November 20th oral opinion and
23 in that November 25th order, be expressly applied to the
24 30(b)(6) notices. As they're written currently, the 30(b)(6)
25 notices would apply to any Valsartan product, that stands for

1 any market and that's a massive expansion of the scope of
2 discovery beyond the parameters of that order.

3 JUDGE SCHNEIDER: Can I ask you a question there?
4 Because if you have the order in front of you, should we read
5 Paragraphs 6 and 7 together?

6 Paragraph 6 deals with requests for foreign
7 regulatory documents. Generally, the Court held that they are
8 off limits except for certain specific categories of
9 documents, and anything regarding Valsartan contamination and
10 documents regarding potential or actual nitrosamine
11 contamination prior to July 2018.

12 MS. SCHWARTZ: Right. So one of the other issues is
13 that we are seeking, to the extent plaintiff has not typically
14 incorporated that language into the notice, that that language
15 would also be applied.

16 So, for example, in the ZHP notice, plaintiffs and
17 defendants have reached agreement to specifically include that
18 language in the notice, and we would also request that that
19 language be applied in the notices for all the manufacturer
20 defendants.

21 JUDGE SCHNEIDER: Thank you.

22 So the Court understands the general objection. What
23 might be helpful for the Court is to look at a specific notice
24 and the specific language that plaintiff uses.

25 So I have plaintiffs' letter and I know attached to

1 it are the different 30(b)(6) notices for -- that they sent
2 out. Which ones should we use as sort of the sample?

3 MS. SCHWARTZ: I think the ZHP notice probably is the
4 most comprehensive. I know that is attached as Exhibit A to
5 defendants' letter.

6 JUDGE SCHNEIDER: Okay. Let me get that. Exhibit 8?

7 MS. SCHWARTZ: Exhibit A.

8 JUDGE SCHNEIDER: A. Okay. Hold on one second.

9 MR. SLATER: Just for the record, you're looking at
10 the third amended notice I assume?

11 JUDGE SCHNEIDER: I'm looking at -- I have
12 Mr. Slater's November 23 letter. It looks like the exhibits
13 are by numbers. So what number should I look at?

14 MR. SLATER: I'm pulling out Exhibit 14, No. 14, Your
15 Honor, which is the third amended notice to ZHP, if that's
16 what counsel wants to start with.

17 MS. SCHWARTZ: Okay. We can work with that.

18 JUDGE SCHNEIDER: Okay. Let me pull it up. 11, 13.
19 Okay. I have Exhibit 14. Can you point me to the specific
20 language and page that is at issue?

21 MS. SCHWARTZ: Yes. So Page 4 is where the real
22 substance of the notice begins, and I believe six, six small
23 paragraphs. It begins: "All references to the API." I
24 believe that's where we should begin.

25 JUDGE SCHNEIDER: Okay. Go.

1 MR. SLATER: Your Honor, can I just -- I apologize
2 for interrupting. I just want to make one thing clear, and we
3 can get to it when the time comes.

4 I don't believe that all defendants have made this
5 same objection, but counsel can continue.

6 But you can continue, Counsel.

7 JUDGE SCHNEIDER: Okay. So Exhibit A is what, a
8 deposition section?

9 MS. SCHWARTZ: That's correct.

10 JUDGE SCHNEIDER: Or general instruction?

11 So what would be the objection to this paragraph that
12 you're referring to, one, two, three, four, five, six
13 paragraphs of Exhibit A to Exhibit 14.

14 MS. SCHWARTZ: This paragraph, and I believe the
15 following paragraph defines Valsartan APA and Valsartan
16 finished dose to include any Valsartan API or finished dose
17 manufactured by this defendant. So that would include those,
18 those products not intended for the United States market.

19 We would wish to include language specifically
20 limiting this definition to products intended for the United
21 States.

22 JUDGE SCHNEIDER: Unless the caveat in Paragraph 6 of
23 the November 25, 2019, order applies, right?

24 MS. SCHWARTZ: That's correct, Your Honor.

25 JUDGE SCHNEIDER: Okay. Mr. Slater, what say you?

1 MR. SLATER: Okay. A few responses to this. Number
2 1, Your Honor ruled during the macro discussion, very clearly
3 that we were entitled to discovery with regard to what
4 occurred in the facilities where the Valsartan API and
5 finished dose that was intended for sale in the United States
6 were manufactured. The order never limited us to only -- to
7 only obtain information -- I'm sorry, Judge?

8 JUDGE SCHNEIDER: Okay. So why do these specific
9 paragraphs that Ms. Schwartz is referring to don't include
10 that language? They don't limit the facilities at issue to
11 what is identified in the order, do they?

12 MR. SLATER: Well, it's not -- what they're doing is
13 they're trying to just jump past your order. And let me
14 explain to you some of the consequences of what they're trying
15 to do here.

16 The meet-and-confer process was extensive. I was in
17 every single one of those discussions and counsel said to us,
18 well, you should only be able to ask our 30(b)(6)
19 representatives about the Valsartan that actually was sold
20 into the U.S. And so I asked, I said, well, but you had
21 contamination occurring throughout the facilities. You didn't
22 have a different manufacturing process, you didn't use
23 different solvents, you didn't have standard operating
24 procedures that were different depending on where it was going
25 to be sent.

1 In fact, Your Honor, if counsel were correct about
2 their interpretation, the entire basis for the worldwide
3 recall, the Novartis discovery of this problem would be off
4 limits to us, because that was API that was sent to Novartis's
5 arm in Europe to evaluate for sale in Europe. It happened to
6 come from the same facility, manufactured by the same process
7 and that triggered the worldwide recall.

8 So what they're trying to do is create the impossible
9 distinction to draw, which is contrary to the ruling.

10 If you go through your order, for example, and I'm
11 coming back to the facilities, it was recognized early in this
12 case when we were talking about figuring out the cause of the
13 contamination, that we need to figure out what was happening
14 in those facilities that manufactured the API and finished
15 dose.

16 Again, it's all manufactured in the exact same way on
17 the same assembly line with the same processes, et cetera. So
18 it would be virtually impossible to take a deposition limited
19 to just what was sold in the U.S. because again, the documents
20 are written that way, and, Your Honor, we provided you
21 Exhibits 4, 5, 6, 7, and 8, which are examples of documents
22 that we have obtained in discovery to date, which show you
23 that the inquiries regarding contamination, peaks, quality
24 assurance processes, et cetera, have been coming to. And
25 we'll talk about ZHP first, because they jumped in to be the

1 lead dog on this, to ZHP from suppliers, distributors, et
2 cetera, around the world.

3 We have Korea, we have people in China, we have
4 people in Europe, companies all over asking questions of them
5 and ZHP having to try to explain what's going on.

6 So the entire contamination issue to not be split up
7 the way that they're asking to do, it's essentially an effort
8 to cut us off from asking witnesses about a tremendous number
9 of massively relevant documents.

10 And again, the Novartis example is Exhibit A on this.
11 That was what triggered the worldwide recall and that occurred
12 in Europe with a sample of API sent to an arm of Novartis in
13 Europe.

14 So, you know, I hopefully have answered it, but if
15 you go further down into your order, Your Honor, you also
16 establish that foreign regulatory evidence is relevant. And
17 in No. 7, there is a sweeping bit of information that Your
18 Honor read which says that we are allowed to take discovery of
19 information that's in the possession, custody, and control of
20 the defendants containing information from any source, any
21 source in the world, regarding unknown and unidentified
22 testing peaks or general toxic impurities in Valsartan API or
23 Valsartan.

24 So why is that important? Because this is a problem
25 that was discovered outside the United States. It's an issue

1 that people were coming to ZHP, going back to 2014 and
2 earlier, asking questions about suspicious findings on their
3 own chemical analysis of Valsartan and asking questions, and
4 unfortunately, ZHP, they're the ones who again jumped to the
5 front of the line, was untruthful with those companies and
6 untruthful with those people and deflected those requests, and
7 the internal e-mails show that they pointedly said, don't tell
8 them this information, tell them about this testing, don't
9 answer that question.

10 So a big part of this case is going to be that the
11 inquiries were coming from all over the world about these
12 impurities and problems and contamination, far earlier than it
13 ever was known in the United States.

14 So again, the facilities is what Your Honor put in
15 play, and the facilities is what we should have the right to
16 take depositions on in accordance with the macro order.

17 MS. SCHWARTZ: Your Honor --

18 JUDGE SCHNEIDER: Hold on, hold on, Ms. Schwartz.
19 Why can't the notice track the language in the order? Because
20 as I'm looking at the language right now, it doesn't indicate
21 that the testimony is limited to just the facilities at issue
22 in this case.

23 If you read it --

24 MR. SLATER: It actually does, Your Honor. I'm
25 sorry, I didn't mean to interrupt. Let me --

1 JUDGE SCHNEIDER: If it does, point it out to me.

2 MR. SLATER: Sure. And I want to -- I will point it
3 out to you. Turn to Page 5, please, the testing section, and
4 I want to say to Your Honor something, the unfortunate thing
5 is that ZHP jumped in to argue this motion, because most of
6 the major disputes that have been put in front of the Court
7 have been generated by ZHP, whereas most of these issues have
8 been worked out very reasonably with the other defendants who
9 understood what things meant and didn't have this request for
10 USP on that Valsartan. That language only came from ZHP.

11 But look at Page 5, the testing section. Look at
12 Question No. 3. That definition wasn't intended to be that
13 granular. No. 3, the testing performed by ZHP or its agents
14 to evaluate the purity and contents of ZHP's API regardless of
15 intended sale location manufactured in any facility that
16 manufactured ZHP's Valsartan API for sale in the United
17 States.

18 That's exactly what counsel is saying we didn't do,
19 when it's right there in black and white. We did that
20 throughout the notice, at their request, and if you flip the
21 pages, you'll see that language redlined in to this third
22 amended notice, every single question they asked for it.
23 Everywhere they pointed to that problem, we added it.

24 So again, I want to be very clear, Your Honor, these
25 notices were heavily edited through the meet-and-confer

1 process to get to a point where we addressed, we believe every
2 single valid concern, and you can see, if you keep flipping
3 through it, Page 5, Page 6, Page 7, you can go all the way to
4 the end. You will see every question where that is an issue,
5 the issue of the facilities, we actually put in specific
6 language encompassing the macro ruling.

7 JUDGE SCHNEIDER: I know, but could we put this issue
8 to bed by just making it clear perhaps in the two paragraphs
9 that Ms. Schwartz pointed out, that -- that -- that the macro
10 order controls, and it's not every facility that ZHP
11 manufactured Valsartan in, but only those that manufactured
12 for sale in the U.S., wouldn't that put this issue to bed?

13 MR. SLATER: I'm happy to do it, Your Honor. We can
14 do that also. It's not a problem to add that language and it
15 may even be in a few of the other notices already, because
16 again, you understand the problem we had is, the defendants
17 wouldn't negotiate with us en masse. We were told we had to
18 negotiate with each separately, which -- that's why I was
19 surprised when counsel stepped up and said, no, we -- now we
20 want to argue together, when we weren't able to negotiate
21 together. But, yes, I'm happy to add the language upfront.
22 That should take care of the issue.

23 JUDGE SCHNEIDER: Ms. Schwartz, isn't the polestar in
24 all of this that this macro order controls?

25 MS. SCHWARTZ: That's correct.

1 JUDGE SCHNEIDER: The macro order indicates --
2 there's no dispute about that, the macro order indicates what
3 facilities are at issue, and doesn't -- with that
4 clarification, does that address the -- and the specific
5 addition of the language, just to make it clear, do these two
6 paragraphs that we're talking about, does that address your
7 issue?

8 MS. SCHWARTZ: I do agree that it's correct to
9 specifically include the language of the macro discovery
10 order. I just do want to clear up a point of possible
11 confusion or continued dispute, if I can refer you to Request
12 3, which Mr. Slater just used as an example.

13 JUDGE SCHNEIDER: Request 3, I got it.

14 MS. SCHWARTZ: Great. We would still maintain that
15 the product that should be at issue in discovery is the
16 product intended for sale in the United States with the
17 limited exception laid out in Paragraph 7 of the macro
18 discovery order, rather than any product made in a facility
19 that manufactured U.S. product.

20 JUDGE SCHNEIDER: Yeah, I don't think that's right,
21 because, suppose, you know, I don't know how it works in China
22 or ZHP, but if you have one -- one facility, and if the -- I'm
23 making this up, one portion of the facility makes Valsartan
24 for South Korea and one portion makes Valsartan for the United
25 States. If the South Korea portion is contaminated with

1 whatever, that would be relevant to -- clearly relevant to
2 this case, even though that Valsartan wouldn't be sold in the
3 United States.

4 So I don't think we can narrow the discovery that
5 you're seeking, whatever -- I think Mr. Slater is right about
6 this. Whatever happens in the facility is relevant to the
7 case, because if it's contaminated for South Korea, that would
8 be relevant to whether it's contaminated in the United States.

9 So that's my ruling on that issue.

10 Ms. Schwartz, are we done with that?

11 MS. SCHWARTZ: Your Honor, I do believe that that's
12 inconsistent with at least my reading of the macro discovery
13 order, and I'll note that the language in the macro discovery
14 order addressing some limited discovery of foreign regulatory
15 documents would -- should provide plaintiffs with relevant
16 information regarding those types of issues for product, for
17 other markets that you've addressed, especially combined with
18 the language giving them discovery of general toxic impurities
19 and unidentified testing peaks.

20 So I'm not sure -- we don't believe that just
21 wholesale allowing discovery of any products manufactured in
22 those facilities is necessary or even necessarily appropriate
23 here, because plaintiffs attribute other exceptions would be
24 getting the type of information that they are arguing is
25 material to the case.

1 JUDGE SCHNEIDER: The Court disagrees and has ruled
2 on that issue.

3 MS. SCHWARTZ: All right, thank you.

4 JUDGE SCHNEIDER: Next.

5 MS. SCHWARTZ: The next issue that we have is the
6 topic addressing foreign regulatory matters. We explained
7 this as a global issue. In the ZHP notice we're looking at,
8 we believe it's been resolved and we would seek similar
9 resolution across the notices directly to all defendants.

10 So going back to Page 4, eighth paragraph expressly
11 incorporates the language of the Court's macro discovery order
12 addressing the scope of foreign regulatory discovery and we
13 would just seek that this paragraph be incorporated into the
14 notices for all defendants.

15 MR. SLATER: It already is.

16 MS. SCHWARTZ: Then this is resolved. Thank you.

17 JUDGE SCHNEIDER: Okay. Next.

18 MS. SCHWARTZ: The next issue is the relevant time
19 period. This is another instance where we're just referring
20 to the macro discovery order and -- with the expressed
21 inclusion of a provision noting that the relevant time period
22 applicable to a given defendant that is laid out in that macro
23 discovery order is applicable to the Rule 30(b)(6) notice.

24 MR. SLATER: There's no objection that it would be.
25 I didn't think we had to copy the whole macro order into the

1 notice. Everybody understands the macro order controls.

2 JUDGE SCHNEIDER: That's certainly the case.

3 Next issue.

4 MS. SCHWARTZ: The next issue is the scope of a
5 number of requests that have been included, that reference two
6 uncertain terms and the terms that we're discussing here are
7 CGMPs, standard operating procedures, policies and procedures.

8 We note that there are an untold number of CGMPs,
9 standard operating procedures, policies, procedures, and our
10 dispute is that we are entitled to a certain level of
11 particularity so that we can identify the appropriate
12 corporate designee and adequately prepare that designee on
13 these topics.

14 So for these requests relating to these very broad
15 general terms, we're seeking particular identification of the
16 CGMPs, SOPs, policies and procedures at issue. We understand
17 that might not actually at this point look like an actual
18 point-by-point list, so our proposal is that those be limited
19 to the CGMPs, SOPs, policies and procedures referenced in FDA
20 correspondence or documents relating to the investigation into
21 the macro --

22 MR. GOLDBERG: Your Honor, this is Seth Goldberg.
23 May I just ask that you remind people to put their phones on
24 mute if they're not talking. There's more and more background
25 noise happening on this call.

1 JUDGE SCHNEIDER: I agree with that. So if you're
2 not speaking, please put your phone on mute.

3 All right, Mr. Slater, what say you about Roman
4 Numeral V?

5 MR. SLATER: Your Honor, in order to give you the
6 context of what the request actually says, I'd ask Your Honor
7 to turn to Page 7, please, in our notice, the third amended
8 notice to ZHP, and you can look at Request No. 21. Again,
9 this was language that was heavily negotiated and has been
10 agreed to.

11 And this language, we believe, is more than
12 sufficient for specificity. But let me take a step back
13 because counsel at the very end, all of a sudden in their
14 letter to the Court, came up with this argument, we should be
15 limited to discovery of the standard operating procedures and
16 good manufacturing practices that might have been mentioned in
17 the FDA documents.

18 Your Honor recognized early in the case that the
19 plaintiffs may not want to be limited to and embrace
20 everything the FDA did or did not do, and we said on the
21 record, no, we don't want to be limited, we're going to do our
22 own investigation and Your Honor acknowledged that's
23 appropriate.

24 Your Honor stated on the record, on November 20,
25 2019, on Page 14, Line 16, in this regard, and I'm quoting:

1 "Plaintiffs need to find out if these facilities followed
2 current good manufacturing procedures or practices.
3 Plaintiffs are entitled to find out if these facilities have
4 actual or constructive notice of the contaminated Valsartan
5 API."

6 That was the context of that statement but it
7 obviously applies to the finished dose as well. So we have a
8 request here which adopts your language in both the transcript
9 and the order, from the macro rulings, which specifically
10 denote the types of standard operating procedures we're
11 interested in.

12 We're not interested in those that relate, for
13 example, to how big the box is or what type of tape you put on
14 the box. This is specific to the exact language that Your
15 Honor stated on the record, which I believe has been agreed to
16 by every party, or virtually every party, other than ZHP.

17 The last part of what counsel is saying is they want
18 us to list them, and they said their fallback is the FDA
19 correspondence.

20 I will tell you, Your Honor, one of the things that
21 was very refreshing about this process, once we found out we
22 were going to talk to all six of these manufacturers
23 separately, is that the tone and the level of cooperation was
24 quite different across the defendants, and many of these
25 things were worked out in a very different way than what Your

1 Honor hears on these calls, and that's something that was
2 refreshing to us and something that we're going to start
3 taking note of and informing the Court of more often as we
4 move forward.

5 This is a great example. In the discussion with the
6 other defendants, it actually was embraced by several of them
7 that what we will do, is we will have the meet-and-confer
8 process, not just on these requests, but this is a good
9 example, the SOPs, where we will sit down with the defendants
10 and we will say, okay, tell us which of those SOPs, that --
11 you've given us many, because as Your Honor knows, you get 20
12 revisions and you don't know when they were in effect, et
13 cetera, and some of the defendants said, well, we don't want
14 to be having our 30(b)(6) witness surprised, we'd rather know
15 exactly which ones applied.

16 We said great, let's meet and confer. You'll show us
17 which ones were in effect, you'll show us which specific SOPs
18 and CGMPs applied. We'll then go back to the documents and
19 tell you if we see other ones, and that way, we can narrow the
20 field so when we walk into the deposition, both sides are
21 educated going in.

22 The only party to cross that language out, to my
23 knowledge, at this point, was ZHP. They don't want to meet
24 and confer on anything, but the other defendants do.

25 So that's going to be a process we're going to do by

1 consent, but with regard to the language and I know I'm saying
2 a lot, but I think it was important to lay this all out for
3 the Court.

4 The language in this request is quite specific. It's
5 limited to the area Your Honor specified in the macro
6 decisions, and we believe are very fair and appropriate
7 requests on the SOPs and CGMPs.

8 JUDGE SCHNEIDER: Mr. Slater, can I ask your
9 indulgence? Please point me again to the specific page and
10 number where the CGMP issue is listed.

11 MR. SLATER: The CGMP issue is -- you talk about in
12 the course of your ruling and then during the course of your
13 transcript, you talk about --

14 JUDGE SCHNEIDER: No, no, I'm sorry. No, no. I mean
15 in the notice. I'm sorry. In the notice.

16 MR. SLATER: Oh, in the notice, I'm sorry.
17 Question 21 or Topic 21.

18 JUDGE SCHNEIDER: All right. 21 talks about SOPs.

19 MR. SLATER: Right.

20 JUDGE SCHNEIDER: And it gives pretty good
21 specificity about the type of SOPs that you're interested in,
22 right?

23 MR. SLATER: Absolutely. It adopts the language from
24 Your Honor's oral ruling.

25 JUDGE SCHNEIDER: Ms. Schwartz, let's just look at

1 21. I know it only -- that only pertains to SOPs and not
2 CGMP. What are you looking for that's not there?

3 MS. SCHWARTZ: Your Honor, this addresses broad
4 categories of SOPs and doesn't really delineate them with the
5 particularity that's required for us to understand the SOPs
6 that the designee will be expected to be prepared to testify
7 on.

8 JUDGE SCHNEIDER: Well, I don't know if I agree with
9 that because it specifically says those SOPs that are intended
10 to prevent, detect, et cetera, et cetera, any impurity or
11 contamination, for example.

12 So Mr. Slater is absolutely right, you can rule out
13 the size of the box or plastic wrapping or anything like that,
14 or what kind of shoes they have to wear to work on the
15 production line, that's not what he's interested in. It seems
16 to me, Paragraph 21 gives appropriate notice to ZHP about what
17 they're looking for, and I don't know at this point if they
18 can provide any more detail.

19 Certainly they're not going to limit it to what's in
20 the FDA documents, because rightly or wrongly, we know that
21 the plaintiffs are not necessarily agreeing with what the FDA
22 did.

23 And that's their position. I don't know if it's
24 going to be right or wrong, but, you know, from Day 1, that's
25 the position they're taking in the case.

1 So at least with regard to 21 and 22, the objection
2 is overruled.

3 Is this the same issue with regard to 23 and 24?

4 MS. SCHWARTZ: Your Honor, 23 and 24 are quite a bit
5 broader. They don't include a similar limitation that we've
6 seen in the previous requests, so 23 asks for ZHP's
7 applications of CGMPs in connection with the manufacture of
8 Valsartan API throughout the facility. That's a very broad
9 category of many, many CGMPs.

10 MR. SLATER: Counsel, we'll add it. I don't mean to
11 cut you off, but in the interest of time, we'll just add it.

12 Your Honor, just so you know, you know, we're working
13 in the interest of time. Yeah, we'll just add it. I mean, we
14 were working through six sets of notices, so when we finalize
15 them, we're happy to add the language so that that language
16 will be in all SOP and CGMP requests.

17 JUDGE SCHNEIDER: That takes care of that.

18 In the Court's view, that provides sufficient
19 specificity for ZHP to appropriately identify which person or
20 persons should be produced in response to the 30(b)(6) notice.

21 MS. SCHWARTZ: Thank you, Your Honor.

22 JUDGE SCHNEIDER: So I think that takes us up to
23 Roman Numeral VI, time frame.

24 MS. SCHWARTZ: Yes. There are two requests which are
25 Topics 58 and 59 in this notice, where -- where plaintiff

1 represents that they expect testimony on certain sample
2 documents, and the current language obligates plaintiffs to
3 provide those sample documents 30 days in advance of the
4 deposition. The defendants' position, that given the large
5 number of topics, the complexities of preparing a witness
6 under today's circumstances with COVID and foreign defendants,
7 identifying the right person, adequately preparing them, that
8 we would like 60 days to review these documents and prepare
9 the witness.

10 MR. SLATER: Your Honor, 30 days is more than enough.
11 These depositions are slated to start in less than two months.
12 So technically, we'd have to start serving them now and we
13 don't even have full document productions. And I'll also add,
14 this is the party, ZHP, that doesn't want to meet and confer
15 with us on anything. They're the party that's struck every
16 single meet-and-confer phrasing that we put into this notice.

17 So with respect to counsel, 30 days is more than
18 enough. I mean, we can't have our depositions completely
19 prepared 60 days before, and this was language that we put in,
20 that we're going to meet and confer, because we want to talk
21 to the defendants and we want to make these depositions to the
22 extent possible on especially the sale and pricing and the
23 profits and the market, size and market share and things like
24 this, more confirmatory than exploratory, and most of the
25 defendants have agreed to that, to actually meet and confer to

1 the point where the deposition can be again confirmatory of
2 information that's been informally shared rather than
3 exploratory.

4 So, you know, I think 30 days is more than enough,
5 especially if a party wants to meet and confer on the robust
6 and transparent level.

7 MS. SCHWARTZ: Your Honor, just to clarify our
8 position. We have not sought to strike the language with the
9 meet and confer. We are perfectly willing to meet and confer
10 with plaintiffs on this issue.

11 I can also note that the sales and price
12 introductions were made in May through July of this year, so
13 plaintiffs would have the ability to provide these documents
14 with particularity required by Rule 30 today. So we don't
15 believe that 60 days is too much of a burden here.

16 JUDGE SCHNEIDER: Ms. Schwartz, let's leave it at 30
17 days with this caveat, if there's good cause in a particular
18 instance why you need more than 30 days, you can make an
19 application to the Court, and if you establish good cause,
20 we'll get it to you sooner. But prima facie 30 days should be
21 enough, but if there's a special case, special circumstances
22 that warrant it, we'll grant more time.

23 So I think that will protect your client's interest.

24 MS. SCHWARTZ: Thank you, Your Honor.

25 JUDGE SCHNEIDER: Okay. Number 7.

1 MS. SCHWARTZ: Yes. The last global issue we have is
2 really a series of small issues, but it's about the
3 characterization of what plaintiffs are calling contamination
4 here. So we've had multiple rounds of new notices due to meet
5 and confers between the plaintiffs and defendants for, you
6 know, in the case of every defendant, and during the course of
7 those new notices, plaintiffs added in language seeking
8 information regarding, quote unquote, actual and potential
9 nitrosamine contamination. We have a few issues of this.

10 The first use of the word, "potential." Potential is
11 the vague ambiguous term that really calls for nothing more
12 than speculation. I don't understand how you prepare a
13 designee on a potential issue. So we're seeking that due to
14 the complete lack of clarity there, that any reference of
15 potential contamination be stricken from the notices.

16 MR. SLATER: Your Honor, the phrasing potential or
17 actual nitrosamine contamination is actually found in multiple
18 places. It's found in the macro order in Paragraph 6. It's
19 found in the transcript when Your Honor was addressing testing
20 for actual or potential contamination.

21 Again, this is on Page 22, Line 24 of the November 20
22 transcript.

23 I think that counsel well understands the
24 distinction. Every single pill that was sold was not tested.
25 Every lot was not tested. This went on for years before

1 anybody had an inkling that these pills were being
2 contaminated with something which is used purposefully to give
3 cancer to laboratory animals. That's what NDMA is used for.
4 No one knew that for years.

5 So part of our proof in this case and part of our
6 both causation and damage modeling is all going to rely on us
7 not only pointing to what was proven to be contaminated by
8 actual testing of those lots, but also, based on the evidence
9 that we are accumulating through the documents and most
10 important through these depositions, which lots were likely
11 contaminated, or the flip side, which pills and lots is the
12 defendant unable to exclude as being contaminated.

13 And Your Honor remembers we had that discussion about
14 two years ago where I begged for an informal market share
15 meet-and-confer process, where all the parties would get
16 together and figure out the scope of what was actually or
17 potentially contaminated in the U.S. market and the defendants
18 said, no, you can do that when you take your corporate rep
19 depositions.

20 So that is where we are at and that terminology is
21 very clear. It's obviously highly relevant and we would ask
22 that that objection be denied.

23 JUDGE SCHNEIDER: Last word, Ms. Schwartz.

24 MS. SCHWARTZ: Yeah, Your Honor, to highlight the
25 ambiguity, I think it might make sense to look at one of the

1 specific topics. So if we could turn to Topic 20, I think
2 this is an example that highlights how unclear the use of
3 potential -- this topic requests testimony on the extent of
4 the actual and potential nitrosamine contamination of ZHP's
5 Valsartan API finished dose in the United States both in terms
6 of the concentration per pill and across all of the lots and
7 batches.

8 It's unclear to me how a designee could testify as to
9 potential contamination in terms of concentration for pills or
10 identifying batches speculatively.

11 JUDGE SCHNEIDER: This was the language used in the
12 macro discovery order. It was entered after extensive
13 argument. We didn't have this dispute at that time, I don't
14 know why we're having this dispute at this time.

15 I don't know how I could include that language in the
16 November 2019 order, but say it's inappropriate for the notice
17 of deposition, so it stays in.

18 MS. SCHWARTZ: Thank you, Your Honor. We have one
19 more aspect of this issue as well, which is the use of the
20 term "contamination." We -- the manufacturer defendants'
21 position is that anywhere in this notice where the word,
22 "contamination" is being used to refer to the presence of
23 nitrosamines in Valsartan, that it would be a more accurate
24 and clear way of phrasing the notice to use the words
25 "presence of nitrosamine impurities."

1 I don't think that there's a dispute in this case
2 that the nitrosamines are believed to be impurities, but the
3 question of contamination is really a factual question that
4 will be answered in this litigation.

5 THE COURT: I respectfully disagree, Ms. Schwartz.
6 We have been using that term throughout the course of this
7 litigation. Let me see if I could pull up the macro discovery
8 order right now.

9 We used it in the -- I'm looking at Paragraph 6 of
10 the order. We used it at that time, no objection. So I think
11 as my mother would say, I think we're cutting the salami a
12 little too thin.

13 Obviously, we know defendants' position that it's
14 alleging that even if this -- these chemicals were present, it
15 doesn't cause any injuries, that's clear, you're not making
16 any admissions by this language, so it stays in because again,
17 we used it in the November 2019 order and there's no reason to
18 take it out of the case now.

19 So does that deal with the big-picture issues with
20 regard to the 30(b)(6) issues, and now, do we have to go
21 through each notice individually to address the issues?

22 MS. SCHWARTZ: Your Honor, that disposes of the
23 issues we presented as global issues, and may dispose of all
24 the issues for certain defendants, but I believe there are
25 still some small individualized issues pertaining to specific

1 notices.

2 JUDGE SCHNEIDER: Well, let's deal with ZHP, because
3 you have the floor, so let's deal with all the ZHP issues, get
4 them resolved, and then we'll move on to each individual
5 defendant.

6 MS. SCHWARTZ: All right. So for ZHP, we have really
7 just one issue, and before we burden the Court with
8 discussion, it's not clear from the most recent version of the
9 notice that was sent to us very shortly before the position
10 statements were submitted if this is still a live dispute.

11 I don't know if Mr. Slater's had the chance to review
12 that portion of the briefing in detail, but if you could just
13 advise if this is still a dispute we should be raising with
14 the Court, I'd be grateful.

15 MR. SLATER: I read everything you wrote, I read your
16 entire papers until three in the morning last night. Happy to
17 discuss anything.

18 Is the issue that you're raising the, quote unquote,
19 acceptable question?

20 MS. SCHWARTZ: Yes.

21 MR. SLATER: It's a simple issue, Your Honor. Within
22 the case of ZHP, they have a very close relationship with
23 their downstream entities, Huahua, Solco, and Princeton. So
24 what we did in response to some of the questions by defense
25 counsel, if we go to Exhibit A on Page 4 of the ZHP notice, at

1 the very beginning, there's a statement that says: "All
2 topics, referenced information and documents known to and/or
3 in the possession, custody or control of ZHP in the ordinary
4 course of business."

5 Do you see that, Your Honor?

6 JUDGE SCHNEIDER: I'm on -- I have Exhibit A and I
7 see the very first paragraph that mentions Solco. Is that
8 what we're referring to?

9 MR. SLATER: On Page 4, if you have the ZHP notice,
10 you might have gone to the Solco notice, but it's the same
11 language, so it's immaterial.

12 JUDGE SCHNEIDER: Let me make sure I got the right
13 exhibit. Okay.

14 MR. SLATER: They were together in my exhibits. They
15 were -- all the ZHP family, the companies we put together
16 under one exhibit tab with ZHP at the front.

17 JUDGE SCHNEIDER: Okay.

18 MR. SLATER: But again, the language is identical on
19 this issue.

20 JUDGE SCHNEIDER: Okay. I think I -- I think I --
21 let me just make sure we're both on the same page. I see all
22 the different ones. Okay. All topics, blah, blah, blah,
23 blah, in control of ZHP in the ordinary course of its
24 business. Is that what we start with?

25 MR. SLATER: Correct. I had been -- a few inquiries

1 had come from some of the manufacturers we negotiated with
2 early on. They said, look, we want to make sure, you're not
3 trying to turn our 30(b)(6) witnesses into independent experts
4 who have to go out and gather information.

5 I said, no, of course not. We understand what a
6 30(b)(6) witness is obligated to testify to, and we just
7 documented it there to give some comfort.

8 The issue with ZHP is, they want to have their
9 30(b)(6) witness testify, but not be responsible to no
10 information that in the ordinary course, would have been
11 acceptable to ZHP through it's wholly-owned subsidiaries that
12 handled all of its U.S. operations.

13 And to a large extent, they've addressed this issue
14 because they specified the requests for which Solco, Princeton,
15 and Huahua will produce corporate representatives and that's
16 why we have separate notices to each of them limited to those
17 requests. But ZHP basically is saying, look, just because
18 these entities have that information, we shouldn't have to
19 know about it, and our position is reasonable, if it's
20 accessible to you, if in the ordinary course of business,
21 that's information that would be passed along and you would
22 have access to it, then it would come within the normal scope
23 of what a 30(b)(6) witness would know. So I was surprised
24 that this was a topic of controversy.

25 MS. SCHWARTZ: Your Honor, our position is that the

1 language that's currently in the notice, more than -- that the
2 language as currently in the notice is more than sufficient to
3 address ZHP's obligation. The custody -- I'm sorry, the
4 standard under the rules is information within the possession,
5 custody and control of the noticed party in the ordinary
6 course of business, and that's the standard that we believe
7 should apply.

8 Plaintiffs had asked us to make some sort of
9 representation regarding our ability to provide information
10 that, quote unquote, acceptable to ZHP, and we don't see any
11 benefit in introducing a layer of confusion and adding a
12 standard that is not the standard required by the rules.

13 I think it's also worth noting that ZHP has been very
14 forthcoming in response -- or the ZHP parties have been very
15 forthcoming in response to these notices. We agreed to
16 provide designees to testify on each topic and we've gone so
17 far as to respond on behalf of the same corporate entities
18 that might part of the ZHP family, Solco, Huahua U.S., and
19 Princeton and we've done so in a way so that Solco, Huahua
20 U.S., and Princeton will each provide a designee on the topics
21 that are primarily within its own possession, custody and
22 control in the ordinary course of business.

23 So we feel that the language of the agreement that
24 plaintiff is trying to seek here is just going to impose a
25 burden on ZHP that exceeds the scope of the rules, introduces

1 ambiguity and doesn't actually solve anything because some
2 entity is going to provide testimony on each of these topics.

3 The question is here, is ZHP going to be responsible
4 for all of those, or will it be the entity that's really in
5 possession, custody, and control of the relevant information.

6 JUDGE SCHNEIDER: Ms. Schwartz, do I understand you
7 right, that at least with regard to this one sentence we're
8 referring to, as it's phrased right now, in the ordinary -- in
9 the possession, custody or control of ZHP in the ordinary
10 course of its business, you don't object to that.

11 Do I understand that correctly?

12 MS. SCHWARTZ: That's correct. As it's stated in the
13 current notice, we do not object to that sentence.

14 JUDGE SCHNEIDER: Okay. So is the dispute that
15 Mr. Slater is asking you to confirm something that you
16 believe, "you," being ZHP, believes is beyond what's required
17 under the rules, and this specific language.

18 MS. SCHWARTZ: That's right. We don't have a problem
19 with the specific language included in the notice. Our
20 objection is that -- is to the fact that Mr. Slater is
21 requesting that ZHP affirm it will produce a designee to the
22 extent any given information is accessible to it as opposed to
23 in its possession, custody, or control.

24 JUDGE SCHNEIDER: I agree with ZHP on this one. The
25 language is appropriate as it's stated. I don't think any

1 further clarification is needed. We know what the rules and
2 case law requires, and that's what the witness has to testify
3 to, what's in the possession, custody, or control of ZHP.

4 So I think the language is appropriate and it stands
5 as is with no further additions.

6 MS. SCHWARTZ: Thank you, Your Honor.

7 JUDGE SCHNEIDER: So, Ms. Schwartz, does that take
8 care of the ZHP notice?

9 MS. SCHWARTZ: That does.

10 JUDGE SCHNEIDER: Mr. Slater, should we go through
11 the other companies one by one?

12 MR. SLATER: I think so, Your Honor. I think they
13 should be done quickly because Your Honor has addressed most
14 of the issues already I think.

15 JUDGE SCHNEIDER: I say let's run through them and
16 get it done. So I'm looking at --

17 MR. SLATER: Great.

18 JUDGE SCHNEIDER: -- at your letter. I think we'll
19 do them in order. No. 9, Exhibit 9 is Aurobindo. Is their
20 counsel on the phone?

21 MS. HEINZ: Yes, Your Honor, this is Jessica Heinz
22 for Aurobindo.

23 JUDGE SCHNEIDER: Hi, Ms. Heinz. Are there any
24 issues with the notice that we need to deal with?

25 MS. HEINZ: We covered them when we discussed the

1 global disputes, Your Honor.

2 JUDGE SCHNEIDER: Okay, great. So we're done with
3 Aurobindo then, right?

4 MS. HEINZ: Correct.

5 JUDGE SCHNEIDER: So, Ms. Heinz, can you speak for
6 all the defendants then?

7 (Laughter.)

8 JUDGE SCHNEIDER: Exhibit 10, Hetero. Is their
9 counsel on the phone?

10 MR. SHAH: Yes, Your Honor. This is Nakul Shah on
11 behalf of Hetero Drugs and Hetero Labs.

12 JUDGE SCHNEIDER: Are you hopefully going to be as
13 positive as Ms. Heinz was?

14 MR. SHAH: Well, yes, Your Honor. We've had a number
15 of very productive meet and conferrals with plaintiffs'
16 counsel. We have just one outstanding issue which we're
17 continuing to meet and confer with plaintiffs' counsel on and
18 I'm not sure whether it's ripe for discussion just now.

19 JUDGE SCHNEIDER: Let's do it now. Let's get it done
20 with, let's get it done with. Let's do it right now.

21 MS. GOLDENBERG: We have identified a number of
22 discreet topics within plaintiffs' 30(b)(6) notice that it's
23 Hetero's position that a Hetero 30(b)(6) witness would not be
24 competent to testify and provide the most fruitful and useful
25 testimony with respect to those discreet topics.

1 We've informed plaintiffs' counsel that we believe
2 that other members of that supply chain are equally
3 represented by their own counsel and that are separate and
4 distinct from Hetero Drugs and Hetero Labs would be able to
5 provide that more useful and fruitful testimony.

6 Now it's just a matter of whether plaintiff will
7 agree to allow those specific topics to be addressed by a
8 separate notice to that separate member of the supply chain.

9 MR. SLATER: Yes, yes, we can do that, I think, Your
10 Honor, and then -- I'm sorry, Your Honor, go ahead.

11 JUDGE SCHNEIDER: No, go ahead, go ahead, Mr. Slater.

12 MR. SLATER: I was going to say, I'm aware that
13 Camber in particular I think is the entity for the most part,
14 possibly Hetero U.S.A. on the discreet issue on FDA
15 communications, but we're open to meeting and conferring to
16 the extent that Camber will agree to accept a notice based on
17 them telling us which topics they can also address, and, you
18 know, I would assume that that should be a smooth issue to
19 address. If there's any, you know, dispute, we can probably
20 discuss it later.

21 But this is just a question of Camber saying, hey,
22 we'll tell you, for example, about the sales numbers in the
23 U.S. I think, if it gets to that type of question, and if they
24 have better data and they'll work with us transparently. We
25 have no problem with getting the best data possible.

1 JUDGE SCHNEIDER: Sounds good to me. I'll let you
2 work it out.

3 MR. SLATER: Thank you.

4 JUDGE SCHNEIDER: Torrent. Exhibit 11.

5 MS. BRANCATO: Good morning, Your Honor, this is
6 Alexia Brancato from Kirkland and Ellis on behalf of Torrent,
7 and at this time, Your Honor -- I'm sorry. Go ahead.

8 JUDGE SCHNEIDER: Did I hear you correctly? You
9 broke up a little bit. Did you say, there's no other issues
10 for Torrent to address?

11 MS. BRANCATO: Correct, Your Honor.

12 JUDGE SCHNEIDER: Well, that's delightful to hear.
13 Exhibit 12, Mylan.

14 MR. REEFER: Good afternoon, Judge. This is Jason
15 Reefer for Mylan. There's no Mylan specific issues remaining
16 to be decided today. I just want to mention, just for the
17 record, that Mylan and plaintiffs' side, Mr. Slater, have had
18 productive discussions. We are expecting a slightly modified
19 notice, if not reflected in the exhibits provided to the Court
20 last evening, based on further discussions since then, but
21 nothing to discuss with respect to Mylan at this time.

22 MR. SLATER: And that's confirmed, Your Honor. I
23 agreed to put in some phrasing which I think may even mimic
24 some of the things that we agreed to today. So that's not
25 going to be an issue.

1 JUDGE SCHNEIDER: Terrific. Exhibit 13, Teva.

2 MR. HARKINS: Your Honor, this is Steve Harkins from
3 Greenburg Traurig for the Teva defendants. We have not had a
4 chance to discuss some of our most recent redlines with
5 plaintiffs' counsel. We were negotiating over the weekend.

6 There are a few specific issues that we can raise at
7 this time, mostly related just to modifications based on
8 Teva's status as a finished dose manufacturer as opposed to an
9 API manufacturer and I'm happy to walk through those quickly
10 if you'd like to.

11 JUDGE SCHNEIDER: Let's do it.

12 MR. HARKINS: So the first issue is with respect to
13 Request No. 8 and 9, and in the redline that we sent
14 Mr. Slater over the weekend, we had asked to strike these two
15 requests. Specifically, just because of the language used
16 here referring to any entity or person other than Teva or its
17 agents but known to Teva.

18 And I'll specifically refer to the preceding
19 requests, Nos. 1 and 2 and 5 and 6, where we have no objection
20 to providing someone to testify on Teva's understanding of the
21 cause of the contamination of the API and to the testing
22 performed by Teva or its agents to evaluate the purity and
23 contents of ZHP's API. Specifically, our language is just --
24 our objection is just to this language which we're not quite
25 clear what to do with on Teva's knowledge as to testing that

1 might be performed or evaluations performed by other than Teva
2 or its agents. So those are two requests that we would ask to
3 strike.

4 JUDGE SCHNEIDER: But let me give you a hypothetical.
5 Suppose Teva has knowledge that one of its customers is
6 testing its product, it knows about the results of that
7 product, but that customer is not an agent. It's hard to
8 contest that that information wouldn't be relevant. Isn't
9 that what plaintiffs are getting at? So why wouldn't this be
10 relevant? If the company doesn't have that information,
11 that's fine, that's all they have to say. But if they do have
12 that information, why should it be off limits for discovery
13 purposes?

14 MR. HARKINS: Your Honor, to the extent it's in the
15 possession and knowledge of Teva or its agents, we believe
16 that would be covered by the first two requests in this
17 section under that hypothetical.

18 JUDGE SCHNEIDER: I don't see the harm in keeping
19 this in, Counsel. We all know what the standard for a
20 30(b)(6) witness is. It's information that the company has,
21 and that's all this request asks for. It doesn't ask the
22 company to do an independent investigation to answer a general
23 question. It's only asking for information the company
24 already knows, so it stays in.

25 MR. HARKINS: Understood, Your Honor. The next

1 section which we have an ongoing objection to, is Request No.
2 19 through 25. And it may simply be that this is something
3 that the parties could resolve as a result of continued
4 negotiations. These requests refer to evaluation of Teva's
5 solvents used during the finished dose manufacturing process
6 and testing on solvents utilized in Teva's finished dose
7 manufacturing process.

8 So we would ask that this be limited, in that while
9 the solvents at issue relate to the API manufacturing process,
10 there's no relationship between the alleged contamination and
11 any of Teva's solvents utilized in Teva's finished dose
12 manufacturing process, and similarly, the finished dose
13 manufacturing processes, which are unrelated to testing.
14 Again, we acknowledge that testing of the incoming API and
15 testing on Teva's finished dose, that might have demonstrated
16 nitrosamines is relevant, but to the extent that these are
17 discussing testing, Teva would have done on its own solvents
18 or excipients that are not implicated in the formation of
19 nitrosamine, we think these requests are properly directed to
20 the API manufacturer and can be struck.

21 MR. SLATER: Your Honor, if that's what the witness
22 says, then that's going to be a short section of the
23 deposition to say we didn't use solvents to manufacture the
24 finished dose, so we can cross that off the list. But it's
25 certainly something we need to confirm and none of the other

1 finished dose manufacturers have objected to that request.

2 JUDGE SCHNEIDER: I agree, because if the -- if the
3 company doesn't have this knowledge, that's all the witness
4 has to say. And this topic, it goes to the whole 30(b)(6)
5 deposition, is not asking the company to do an independent
6 investigation to answer a question, it's only asking for
7 information that the company knows about.

8 So if it doesn't know about it, that's a simple
9 answer and that would be satisfactory.

10 So these topics stay in.

11 MR. HARKINS: Your Honor, the final item we have here
12 is with respect to No. 32. This process development section
13 covers a number of topics. We have no objection subject to
14 some minor language modifications that I believe the parties
15 have agreed to on 33 through 38.

16 32, however, requests us to provide a witness on the
17 modifications with regard to the use of solvents and the
18 tetrazole ring formation step in the manufacturing process for
19 ZHP's API. The remaining topics all cover the evaluation that
20 Teva would have performed in relation to that step and
21 knowledge of the risks of formation as a result of the
22 manufacturing processes, but the modifications and any
23 discussions or input that would have gone into the actual
24 decision to make those modifications is again properly
25 directed to the API manufacturer.

1 MR. SLATER: Again, Your Honor, this is the
2 information they have, so this question goes directly to what
3 is the relationship between those modifications to the
4 process, which we all know ZHP has conceded, they say that's
5 why the -- why the contamination started, although we've now
6 proven through the documents it actually started much earlier
7 with a prior process.

8 But when they changed the process, that also was a
9 cause, and we want to know what Teva knows about that.
10 Presumably, they went to ZHP and said, hey, dude, what
11 happened here, for lack of a legal way to describe it, and how
12 did this happen. And to the extent ZHP provided information
13 to Teva or Teva got that information independently, for
14 example, from the FDA or another regulatory agency, we
15 certainly have a right to ask Teva about it.

16 JUDGE SCHNEIDER: Agreed. If the company has that
17 knowledge, it's a relevant area of inquiry, and if their
18 response is like the other topics we just dealt with, that it
19 doesn't have responsive information, that's a perfectly
20 sufficient answer. So this topic stays in.

21 MR. GOLDBERG: Your Honor, this is Seth Goldberg.
22 Just to clarify for the record. ZHP has not conceded
23 anything, and Mr. Slater just stated that it has, so I just
24 want that to be clear for the record.

25 MR. HARKINS: For Teva, that direction is understood.

1 We appreciate that and that takes care of all of the remaining
2 objections that we don't believe are occupied by the global
3 resolutions.

4 JUDGE SCHNEIDER: Okay. Great. So I think we've
5 dealt with all the 30(b)(6) depositions.

6 Mr. Slater, can you get us the final notices without
7 date, and we'll memorialize it in a Court order to indicate
8 that these are Court-ordered topics and there shall be no
9 additional objections to them.

10 MR. SLATER: Absolutely, Your Honor. I will endeavor
11 to get them by tomorrow. It might be tough, but I will tell
12 you no later than Monday. Is that acceptable?

13 JUDGE SCHNEIDER: Of course. I said a week.

14 MR. SLATER: Oh, I didn't even hear it. Sorry, Your
15 Honor, your comment before about the sandwich, I started
16 thinking about food, so I lost track, sorry.

17 (Laughter.)

18 MR. SLATER: Slicing the salami.

19 That's fine, Your Honor, we'll try to get it before
20 that, but thank you for the week.

21 JUDGE SCHNEIDER: Okay. No problem. If you need
22 more time, just let us know.

23 I think another important area is the addendums, but
24 how about -- does anyone have an objection if we take a break
25 to let everyone stretch their legs and use their facilities

1 and if they want to get a bite and then we'll come back and
2 finish all this.

3 MR. GOLDBERG: That's great, Your Honor.

4 JUDGE SCHNEIDER: 1:15 to 1:30, fine with me. I'll
5 let you decide. If you need until 1:30, that's fine with me.
6 I have all afternoon.

7 Karen, are you okay.

8 THE COURT REPORTER: Yes, Judge.

9 JUDGE SCHNEIDER: Okay. Let's reconvene at 1:30.
10 We'll deal with the addendum issue and any other issues we
11 need to deal with.

12 So we're adjourned as of now and we'll reconvene in
13 one hour. Thank you, everybody.

14 RESPONSE: Thank you, Your Honor.

15 (RECESS TAKEN; 12:33 p.m.)

16 (RECESS ENDED; 1:30 p.m.)

17 JUDGE SCHNEIDER: Good afternoon, everybody. This is
18 Judge Schneider.

19 We're back on the record in Valsartan. I think the
20 issue that we're going to address is the addendums, the reason
21 for the call, similar to what we did with the 30(b)(6)
22 deposition objections. Are there other general objections to
23 the -- let me start again.

24 Similar to what we did with the 30(b)(6) deposition
25 notice objections, are there general objections to the

1 addendums that cut across all of the documents so we can deal
2 with them upfront?

3 (Connection interference).

4 THE COURT: Let me do this, let me hang up and call
5 back.

6 JUDGE SCHNEIDER: Okay. This is Judge Schneider.
7 Back on the record. I think, Mr. Goldberg, you were about to
8 say something.

9 MR. GOLDBERG: I was, Your Honor. I was going to say
10 that again. I think that there are some similarities between
11 the two addendums. I think that in going through the Chinese
12 addendum may, you know, be beneficial in terms of the Indian
13 addendum, although I'm not as familiar with that addendum and
14 the specifics of the objections. I do know that the Indian
15 addendum has a provision regarding any protocol that, you
16 know, we will discuss to some extent in the Chinese addendum,
17 but that may be a different issue with respect to the Indian
18 addendum.

19 But I think we can cover some of this by walking
20 through the Chinese addendum and then if there's anything left
21 for the Indian addendum, it may not be much.

22 JUDGE SCHNEIDER: One of the things that concerns me
23 about the ZHP addendum is, I know there are issues particular
24 to China. I'd like to keep those client-specific issues to
25 the end, but if Mr. Slater agrees, I'm happy to tackle ZHP

1 first.

2 MR. SLATER: Your Honor, I'm fine with that. Only
3 because, ultimately, the Chinese addendum really is only for
4 ZHP anyway. But I think it could go either way, but I'm fine
5 with starting as Mr. Goldberg had suggested. I don't think
6 that will cause a delay.

7 JUDGE SCHNEIDER: Okay. Where's the best place to
8 look on these letters to --

9 MR. GOLDBERG: Yes, Your Honor, in the letter that
10 defendants had, we picked up a discussion on the protocols on
11 Page 7 of the letter. Exhibit G of the defendants' exhibits
12 is a chart that has the terms of the Chinese addendum, the
13 terms the defendants have proposed and the terms that
14 plaintiffs have proposed -- or the edits that plaintiffs have
15 proposed based on defendants' proposal.

16 So if Your Honor has -- okay.

17 JUDGE SCHNEIDER: Go ahead, Mr. Goldberg.

18 MR. GOLDBERG: Yes, I was going to say, just so Your
19 Honor knows, that we originally filed the draft addendum a few
20 weeks ago at ECF 604-2. That original -- the terms of that
21 original addendum are set forth in this exhibit under
22 defendants' proposal. We just thought this was an easier way
23 for Your Honor to see the differences between the parties.

24 JUDGE SCHNEIDER: Terrific. I have Exhibit G in
25 front of me, and why don't we just go down the issues one by

1 one.

2 MR. GOLDBERG: Right.

3 So the first issue where there's a difference, in the
4 language the defendants have proposed we have -- in the
5 underlying language, is language that we have proposed, that
6 defendants -- plaintiffs would suggest to you to leave it.
7 And this first volution seems to us to be -- this language to
8 us has been necessary, it's necessary for this addendum to
9 reflect the voluntary nature of the deposition.

10 Plaintiffs have not taken any steps to secure the
11 approval of the Chinese government to depose any witness in
12 China, either in person or by video, notwithstanding having
13 the core discovery documents since mid-July 2018 -- I'm sorry,
14 2019, and as a result, the only way a Chinese national can be
15 deposed in this action is if a Chinese national agrees to
16 leave China and go to another country to have the deposition
17 conducted. And that agreement is necessary because were there
18 to be a deposition in China without government approval, the
19 Chinese witness and anybody participating in that deposition
20 would be subject to criminal penalties under China law.

21 So we think it's -- we think it's essential to this
22 addendum that the voluntary agreement of the witness be
23 acknowledged, and we have proposed that language --

24 JUDGE SCHNEIDER: Let me ask you a question. Let me
25 ask you a question. Hypothetical, I don't know who plaintiff

1 wants to depose, but suppose they want to depose an officer or
2 director of ZHP. That person is a resident of China, lives in
3 China. Would the Court have authority to order that person to
4 appear for deposition and if it means that person has to go to
5 Hong Kong to be deposed, so be it.

6 So that deposition wouldn't be voluntary, it would be
7 Court-ordered. So help me understand this. If plaintiff
8 wants to take the deposition of a representative of a party
9 defendant who, in the ordinary course of things, has to be
10 produced in response to a notice of deposition, and if the
11 person has to fly someplace to be deposed, it's not voluntary,
12 is it?

13 MR. GOLDBERG: Well, Your Honor, I think there are a
14 few different things at issue there. In the -- in the case of
15 a Chinese national, the Court does not have jurisdiction over
16 a Chinese employee of ZHP. So in that case, the Court would
17 not be able to order an employee of ZHP to be deposed in this
18 litigation.

19 The question -- so for those kind of fact witnesses,
20 the only way they can be deposed in this litigation is if they
21 agree to do so on a voluntary basis.

22 JUDGE SCHNEIDER: Okay. That's why -- you may be
23 right about that. I don't know. I'm not rendering an
24 opinion, but that's why in my hypothetical, I made it easy.
25 If plaintiff wants to depose an officer or director of the

1 company, if they serve that notice of deposition, plaintiffs
2 do, ZHP is a party defendant in the United States District
3 Court, don't they have an obligation to produce that witness
4 for deposition even if that witness has to fly to Hong Kong
5 and that wouldn't be voluntary.

6 So do we have two classes? If a guy or gal is on the
7 production line, maybe, maybe not, they have to appear in
8 response to a notice of deposition. So do we have two classes
9 of witnesses and might there be witnesses who have to appear
10 in response to the notice -- might there be witnesses who have
11 to appear in response to a notice whether they like it or not.

12 MR. GOLDBERG: Your Honor, I think a -- I think you
13 have identified a possible distinction between the types of
14 deponents. The -- I think with the individual fact witnesses,
15 it seems clear that this Court does not have jurisdiction over
16 a Chinese citizen to be a fact witness. Whether it has
17 jurisdiction over ZHP, to order ZHP to have a 30(b)(6)
18 representative testify is a different question, and, you know,
19 it really gets to the jurisdiction of the Court over ZHP.

20 We have in Section A5 of this protocol, done what we
21 had done in the past, which is to add language preserving the
22 defense and the lack of personal jurisdiction. And, you know,
23 the Court has not yet rendered an order that it has
24 established a personal jurisdiction over ZHP. The parties
25 have not yet briefed it. And as Judge Kugler mentioned

1 earlier, the parties will not be briefing personal
2 jurisdiction at this time. So we preserve that defense.

3 Our intention, of course, is to provide -- provide
4 corporate testimony pursuant to the 30(b)(6) notice. In fact,
5 ZHP has agreed to provide -- ZHP is the only defendant that
6 has agreed to provide --

7 (Connection interference.)

8 JUDGE SCHNEIDER: Maybe Mr. Goldberg could hang up
9 and call back in. Maybe that will help. That's what I did.

10 (Connection interference.)

11 MR. GOLDBERG: So I was saying, Your Honor, ZHP
12 has -- intends to provide 30(b)(6) testimony as to all of the
13 topics. The issue of jurisdiction hasn't been decided yet, so
14 -- and an argument could be made that the Court lacks personal
15 jurisdiction, either specific or general over ZHP, but that
16 argument, if -- Judge Kugler has said that no party is going
17 to be briefing that at this time.

18 But in going back to this addendum, our view is that
19 at this point, anybody who is going to testify, involved in
20 leaving the country would be doing so on a voluntary basis.
21 You know, we can consider whether there should be some
22 language as to the 30(b)(6) witnesses in particular, you know,
23 and I don't really know how to straddle that distinction in
24 this, especially without the jurisdictional issues having been
25 heard, but it's certainly the case that for the individual

1 fact witnesses, their testimony would be on a voluntary basis.

2 JUDGE SCHNEIDER: One more question and then we'll
3 turn it over to Mr. Slater.

4 If the plaintiffs disagree with you and believe that
5 jurisdiction is appropriate, if this language is included in
6 the protocol, are you asking plaintiffs to concede the point?
7 I mean, I suppose the plaintiffs wouldn't have an objection if
8 it said something to the effect that ZHP is preserving its
9 right to object to jurisdiction and ZHP believes it is
10 producing its witnesses voluntary. But I suppose plaintiffs'
11 objection -- and we'll hear from Mr. Slater -- is that you're
12 asking plaintiffs to admit that when they may not admit it,
13 they may disagree with you.

14 MR. GOLDBERG: Well, I think that that -- that
15 language, I think that language may be, you know, may be the
16 compromise between A.1 and A.5 which plaintiffs have not --
17 not objected to, and, in fact, they've accepted, if you look
18 on the next page of this chart at the top.

19 JUDGE SCHNEIDER: Right.

20 MR. GOLDBERG: They accepted this language.

21 JUDGE SCHNEIDER: Right.

22 MR. GOLDBERG: And they've acknowledged to the extent
23 otherwise preserved.

24 I think the most important piece of this, Judge, and
25 just stepping back for a moment, is the fact that this

1 addendum is more than just, you know, simple terms that affect
2 these litigants in this case, and, you know, giving -- given
3 the burden that these Chinese witnesses, whether 30(b)(6) or
4 individual, are going to have to endure, so to speak, in terms
5 of leaving their country, traveling to another country,
6 potentially during a global pandemic. That what we're trying
7 to do with this addendum and what we think is reasonable to
8 do, is to provide the right safeguards that will allow these
9 witnesses to participate in this case with an understanding
10 that their rights are being safeguarded as well.

11 JUDGE SCHNEIDER: Mr. Slater?

12 MR. SLATER: Yes, Your Honor. Thank you. I would
13 like to give just sort of an overall general observation which
14 is I think that this issue doesn't even belong in the
15 addendum, and I think that there's been a little bit of
16 overlap between what this is, which our understanding is, like
17 the main protocol is that it's a functional document in terms
18 of the mechanics of how this is going to be accomplished.

19 There should be some sort of an order or a legal
20 brief or a place for the parties to editorialize their
21 positions on issues. So I think that that's just my first
22 observation, which would simplify a lot of what we have here,
23 because it's not necessary to have that in the addendum.
24 That's a separate issue. This is the addendum for if somebody
25 is deposed here, here's how it's going to work. So I think

1 that can simplify things.

2 We have a couple concerns. One, counsel during our
3 meet and confer, we said on this particular point, is there
4 any witness who we put in our initial group of priority
5 witnesses who is telling you they refuse to be deposed, and
6 the answer was, we don't know, and you're going to see, that's
7 going to be sort of a recurrent theme on a lot of the
8 provisions in here which are put in sort of as placeholders.
9 But there's obviously consequences to us agreeing to --

10 (Connection interference.)

11 MR. SLATER: And we certainly as plaintiffs, do not
12 want to agree, as Your Honor enunciated, that anybody's
13 deposition is voluntary, certainly anybody who is a 30(b)(6)
14 witness and anyone who is a managing agent, an officer, a
15 director, executive, et cetera, would not be, quote unquote,
16 voluntary, and there -- you know, if counsel wants to set
17 aside the issue about lower level employees, we don't have to
18 argue that today.

19 So for those reasons, that's why we wanted to strike
20 this provision. To some extent, we just left it in as plain
21 vanilla. It governs the depositions of people who reside in
22 Mainland China, because that's what the addendum is for, as
23 opposed to having some editorialized comment about, you know,
24 whether a witness is doing so voluntarily.

25 If Your Honor is inclined towards your recommendation

1 to have the language saying, this is the ZHP position, you
2 know, then we know we'd obviously have to have language that
3 says the plaintiffs disagree and dispute this and the issue is
4 not determined by this addendum in any way.

5 I suppose that would be an answer, but what we don't
6 want ultimately is issues like, you know, voluntary to hang
7 out there, because then what happens in February when one of
8 these depositions is supposed to happen and three days before
9 or two days before, we find out, oh, this person has chosen
10 not to be deposed and it's not going to go forward, and you
11 have no recourse. So that was our, you know, our main
12 concerns on this.

13 So, you know, first suggestion -- suggestion would be
14 just to adopt our language which is neutral.

15 JUDGE SCHNEIDER: Mr. Goldberg, I can't ask
16 plaintiffs to include language making an admission that they
17 disagree with. Plaintiffs disagree that it's voluntary. I
18 can't ask plaintiffs to give up that argument. I mean, I
19 suppose if you want a legal determination, it would require a
20 motion and briefing.

21 MR. GOLDBERG: Your Honor.

22 JUDGE SCHNEIDER: Then it's an admission that
23 plaintiffs don't want to make.

24 MR. GOLDBERG: Your Honor, you know, the point is
25 that it is voluntary, and whether that -- these ten words are

1 in there or not, won't change the legal issue, you know. The
2 fact of the matter is, that at a minimum, the fact witnesses
3 who choose to be deposed in this case are doing just that, and
4 the important part is that the Court acknowledges that these
5 plaintiffs are voluntarily participating in this case if they
6 choose to be deposed and provide, you know, the requisite
7 safeguard for their participation.

8 JUDGE SCHNEIDER: Mr. Goldberg, I can't make that
9 determination in a vacuum. I don't know who -- hold on. I
10 don't know -- hold on. Let's put this issue to bed.

11 The Court's position is, if the plaintiff wants to
12 include language that ZHP takes the position that the
13 appearance is voluntary, that's fine, and plaintiffs disagree,
14 and I'm not going to ask or order the plaintiffs to make an
15 admission that they don't agree with, and I'm not going to
16 make a legal determination about whether a particular witness
17 is voluntary or not, without knowing who the witness is, what
18 their position is, et cetera, et cetera.

19 So that's the Court's ruling. If ZHP wants to
20 include language that it takes the position that it's
21 voluntary, that's fine. After that, the plaintiffs disagree
22 on that, that's the -- that's my ruling. Next.

23 MR. GOLDBERG: Understood.

24 So the next provision that the parties have a dispute
25 on is -- and they kind of go together in a way are A3 and A4

1 and this may have -- well, I think the Indian issue is a
2 little bit different, but we have proposed language that in
3 these depositions of Chinese nationals, it's not just the
4 Federal Rules of Civil Procedure or the Federal Rules of
5 Evidence and the New Jersey rules that apply.

6 Certainly those rules govern the conduct of the -- of
7 counsel, and those rules are applicable to the testimony and
8 how it would be used, but there are other laws at play in
9 terms of these depositions. Had plaintiff chosen to, they
10 could have, through The Hague Convention, filed a letter of
11 request and under Chinese Civil Procedure Law, sought a
12 deposition of a Chinese national. The Chinese nationals
13 are -- and this is particularly important, and it really is,
14 you know, a discussion in and of itself. But it is
15 particularly important that this addendum acknowledge that the
16 Chinese witnesses are subject to Chinese privacy and state
17 secret laws, and we think it's absolutely essential that this
18 addendum make clear that the Chinese witness be able to assert
19 an objection under Chinese State Secret Law, or I'd be happy
20 to expound on that, Your Honor, if it would be helpful, you
21 know, in sort of where we are in terms of this litigation with
22 the Chinese state secret issues. But, you know, and maybe --
23 maybe remind the Court where we were on this issue back in
24 December.

25 But in December of 2019, when Your Honor was ruling

1 on the macro issues and on the scope of discovery, at the
2 hearing on December 18th, Your Honor was very clear that the
3 state secret concern -- that the state secret concern is a
4 very important concern in this case, and that at the
5 appropriate time, we would handle the state secret issues.

6 I don't think we're at that appropriate time yet,
7 because there hasn't been testimony about a state secret. But
8 what we want to do is preserve their right, that should
9 plaintiffs ask a question at a deposition that could elicit
10 state secret testimony, and we think it's very unlikely and
11 again, I can expound on some of the nuances of the state
12 secret law. I just don't know how deep Your Honor wants to go
13 into that right now, but I'm happy to.

14 But what we would like to do is be able to preserve
15 the right for the witness to assert a state secret objection
16 which could then be heard just like a privilege objection by
17 Your Honor, and that's why I've have incorporated these laws
18 into these provisions.

19 JUDGE SCHNEIDER: Mr. Goldberg, here's a thought that
20 occurs to me. I understand your position perfectly, but I
21 think you're asking for inclusion of language as an admission
22 that plaintiffs don't want to make. What I would suggest we
23 do to put this issue to bed is, one, to get the protocol done,
24 you can just say same as last paragraph, ZHP's position is
25 such and such, plaintiffs disagree. Why don't -- at the end

1 of this process, we're going to have a list of issues that are
2 going to be disputed.

3 One is to what extent does the Chinese State Secret
4 blah, blah, blah, apply to these depositions. Let's tee that
5 up in a motion and before the depositions are taken, let's get
6 those issues decided so that when you eventually take these
7 depositions, it can go relatively smoothly.

8 But what occurs to me is, these issues are very, very
9 complicated. If plaintiff concedes the point, great, no
10 problem. I doubt that's going to happen, and the Court is not
11 prepared to make a legal determination at this time without
12 the benefit of hearing the party's positions on this.

13 Whoever -- if you're not speaking, could you put your
14 phone on mute, please. There's a lot of background noise.
15 Someone is doing the dishes, I think. Thank you.

16 So, Mr. Goldberg, what about if at the end of when we
17 get through these -- all these points, I mean, this would be a
18 perfect example of something to tee up in a motion. To what
19 extent does the Chinese State Secret law operate to be
20 applicable to these depositions, and what may or may not be
21 asserted. You've got --

22 MR. GOLDBERG: Your Honor, I don't think that's a --
23 I think that approach could work. I mean, I think, in fact,
24 you know, right now, there's neither a motion to compel the
25 testimony or a motion for protective order on the State Secret

1 issue.

2 The time really is if somebody were to be asked a
3 question that would elicit the testimony. But I'm open to
4 trying to brief the issue before the depositions get started.
5 You know, I -- and, you know, I think the important thing is,
6 I guess if Your Honor were to make a ruling that a witness
7 could assert a State Secret objection, that could then be
8 resolved by the Court, you know, they would need --

9 JUDGE SCHNEIDER: Does plaintiff agree to that? If
10 plaintiff agrees to that, I'm perfectly fine with that. If
11 Mr. Slater agrees to that, just like a normal privilege
12 objection, that would be fine.

13 Mr. Slater, what do you say?

14 MR. SLATER: The ask is to have us agree that in real
15 time, we could get down a line of questioning and have a
16 lawyer from China standing in the deposition room directing
17 the witness not to answer questions. I think that's probably
18 not a good idea because of the issues with timing and cost and
19 everything else we're talking about with these depositions.
20 You know, the law, we said in the *Schindler Elevator Corp.*
21 case is very clear that the burden is on ZHP or any foreign
22 entity to show that these foreign laws are production and I
23 think Your Honor's inclination to tee this up, we would prefer
24 to have it teed up in December and have it disposed of because
25 we need to have it out of the way. It's just -- I think it

1 would be much too disruptive to have that happen in the middle
2 of a deposition.

3 And I can tell you, Your Honor, for context, we asked
4 Mr. Goldberg and his team during the meet and confer a
5 specific question. We said, well, is there any Chinese
6 privacy or State Secret issue implicated so far by any of the
7 issues as to which we've been taking discovery, or as to any
8 of the deposition topics, and the answer was, no, and, in
9 fact, there's not been one document either withheld or
10 redacted based on any such contention or any reliance on any
11 foreign law, for that matter.

12 So, you know, again, we were certainly not
13 comfortable just leaving it hanging out there because of the
14 difficulty that we'll face if it just pops up in real time.
15 Because as Your Honor just said, it's better to get these
16 things out of the way so the depositions go smoothly, much
17 like you've done with this Rule 34 requests in the past, much
18 as you've just done with the Rule 30(b)(6) notices, so that
19 the issues are all vetted, there's no more objections and now
20 we just go forward.

21 So we're certainly not going to agree to this
22 language being included because we don't think that ZHP will
23 ever be able to meet its burden to implicate Chinese law, and
24 for the reasons stated, we're very concerned leaving that out
25 there as some abstract threat of dropping in at some point in

1 time later.

2 MR. GOLDBERG: Your Honor, this is Seth Goldberg
3 again.

4 JUDGE SCHNEIDER: Last word, last word.

5 MR. GOLDBERG: Yeah, first of all, I -- Mr. Slater
6 has mischaracterized what was discussed in the meet and
7 confer. ZHP is likely to provide the plaintiffs with a log of
8 documents that are -- have been withheld for state secret.
9 The time for that has not yet occurred, and we expect that any
10 announcement of such documents is going to be very, very
11 smooth relative to the overall production, and it raises the
12 very issue which Your Honor noted back in December, which is
13 that if there is a state secret issue, you should put it on a
14 privilege log or a state secret log and the Court will address
15 it when it's ripe.

16 The thing that -- unlike a document, if we're going
17 into depositions, we don't know what questions plaintiffs are
18 going to ask, but if plaintiffs ask a question that somehow
19 involved the Chinese government and we've identified these in
20 our brief, that we think would fall within the state secret
21 rule, the plaintiff, the witness should not be subject to
22 criminal penalties, because they have to provide that
23 testimony in the deposition.

24 We think that is an exceedingly narrow area, so much
25 so that I expect that if we produce a log with state secret

1 documents, it will be less than one percent of the overall
2 production, but it -- given that narrowness, there would be no
3 burden for having a Chinese lawyer present at the deposition
4 to assist us in providing counsel to the witness.

5 But we can raise that issue in a brief before the
6 depositions or during the depositions.

7 JUDGE SCHNEIDER: Yeah, it may be that a specific
8 answer can't be given until we know what the specific question
9 is, but we might be able to give guidance on what is a state
10 secret and who can assert it. I think we have to tee it up in
11 a motion. It's a complicated issue, Chinese State Secret
12 laws, so I can't make a ruling without knowing what the law
13 is.

14 So I'm not going to ask plaintiffs to make an
15 admission they don't agree to. If you want to say, this is
16 your -- ZHP's position, great, and plaintiffs disagree with
17 it, but at the end of -- when we get through all these issues,
18 we'll probably have a list of legal issues that we may be able
19 to give guidance on and a motion should be filed and we'll do
20 the best we can to give guidance on it.

21 One issue would be the State Secret, I guess -- I
22 don't know if there's going to be an issue about whether The
23 Hague applies, but we can add that to the list, and I think
24 it's better to try and get some direction before the deps,
25 rather than kicking the can down the road and -- you know,

1 these depositions are going to be hard enough. To run into
2 all these problems at a deposition would be incredibly
3 unwieldy.

4 So I'd like to see if we could give some direction to
5 the parties before the deposition that would make things go a
6 bit smoother. One way to do that is to tee up some of these
7 legal issues in a motion.

8 So let's go through the list and at the end of the
9 list, we'll have the list of the issues and we'll decide who's
10 going to file the motion or not.

11 MR. GOLDBERG: That makes sense, Your Honor. I think
12 that makes a lot of sense.

13 I think in light of that, I'm just looking at -- if
14 we can jump down. I think we can -- on these legal issues, I
15 think we can now skip to T10, which has to do with the
16 location of the depositions. And now I guess we're on more of
17 these practical terms now.

18 Our language -- the defendants' language -- and
19 defendants have proposed that the Chinese nationals be deposed
20 in Hong Kong, which is by and large the general practice of
21 depositing Chinese nationals is to do their depositions in Hong
22 Kong for a number of reasons. One, you know, of many
23 countries that are, you know, that will accept Chinese
24 nationals, Hong Kong has -- is the most permissive or the
25 least restrictive with respect to travel permits. The Chinese

1 national can come in and out. They don't need a visa. What
2 they do is they get what's called a Hong Kong travel permit.
3 Two, it's relatively close, although it's still quite a trip.
4 It's a ten-hour trip from ZHP's facilities. They have to take
5 a train to Shanghai and fly to Hong Kong and it's a ten-hour
6 trip in total, and that's just to be -- just to take a
7 videoconference.

8 So we have proposed Hong Kong, and plaintiffs, they
9 haven't objected to Hong Kong, but what they have proposed is
10 adding language that we should try to choose a -- we should
11 try to use a location that causes the least difficulties with
12 the differences in time zone. Of course, Hong Kong is 12
13 hours ahead, plaintiffs' counsel presumably are going to be
14 taking depositions from the U.S.

15 There's -- plaintiffs have not proposed an
16 alternative location that is as easy for the witnesses to
17 enter, that is within, you know, a reasonable travel time,
18 and, you know, of course we have the COVID restrictions to
19 contend with as well.

20 Right now, Chinese nationals probably can't get into
21 most countries around the world.

22 JUDGE SCHNEIDER: Mr. Slater?

23 MR. SLATER: Thank you, Your Honor. I think that the
24 -- that this issue really ties together with the issues just a
25 little further down on the chart that counsel provided you.

1 And if you look at the C12 issue with our proposed language on
2 behalf of the plaintiffs, I think that the two go together in
3 this sense. We were very concerned about all of the
4 difficulties we were hearing, and there are practical
5 difficulties with deposing witnesses in Hong Kong, especially
6 where it's not reasonable to assume that people will be
7 traveling there from the United States. I don't even think
8 you can at this point, that's what I was told by somebody last
9 week.

10 But to be able to work out the language that we
11 propose in C12, it gives us, I think, more of what counsel
12 referred to in their brief as the flexibility and you'll see
13 we actually use that term, flexibility and compromise, and
14 this is what I'm talking about.

15 If the deposition starts at 9:00 a.m. in Hong Kong,
16 that's 9:00 p.m. on the east coast. To do the deposition in
17 one sitting would be difficult for anybody other than a
18 long-haul truck driver or a late night DJ.

19 It would be rough and probably not reasonable and it
20 wouldn't be reasonable to flip the times and start at
21 9:00 p.m. in Hong Kong and ask a witness to do that overnight.
22 But what we suggested to the defense and it sounds like we
23 have agreement on the concept, is to break up the depositions,
24 for witnesses deposed by video in Hong Kong, so that they can
25 be done in chunks to allow the depositions to be conducted

1 with people not taking the questioning in the middle of the
2 night.

3 And, you know, so that's where we think we're
4 ultimately going to get to, and we think that's a reasonable
5 method to accomplish the depositions, taking into account the
6 distance and the time zone differences.

7 The language that we asked to have included, I don't
8 think should be controversial. If we agree to another
9 location that maybe more convenient, that's wonderful. If we
10 can try to do it and try to find a more convenient location as
11 time goes forward, I would think that would be something we
12 would endeavor to do. I can say for the record, plaintiffs
13 certainly don't expect the Chinese nationals, who are deposed
14 pursuant to this protocol, those that, you know, that may have
15 the discretion to agree or not agree to be deposed in certain
16 locations, because I don't want to waive our position that
17 they were produced and that we can compel --

18 (Connection interference.)

19 MR. SLATER: -- they can't because of COVID,
20 understood, and if we can do these depositions in smaller
21 chunks through Hong Kong, then that probably alleviates most
22 of our or all of our concerns because then we're dealing with
23 the reasonable fact that some people are going to need a break
24 from depositions at midnight or so and move to the next day.

25 So I hope that's helpful, because I think that

1 that's -- we really worked hard on our side certainly and I
2 think that ZHP has agreed to the concept. We can't agree on a
3 number of hours for each block. I'm not sure that that needs
4 to be agreed today or put in the addendum. I think
5 reasonableness should guide both sides, but, you know,
6 hopefully, that gives the Court a little bit more of a wider
7 view of what we're dealing with, and hopefully, a good look at
8 what we think is a good solution to what looked like a very
9 difficult problem with the time zone difference.

10 JUDGE SCHNEIDER: Let me --

11 MR. GOLDBERG: Your Honor.

12 JUDGE SCHNEIDER: Let me just finish, Mr. Goldberg.

13 I think we should go with the defendants' proposal and not
14 include the additional language that plaintiffs want. I have
15 a feeling that as time goes on and we know who's going to be
16 deposed, you'll be able to work out these issues, but in order
17 to move this along, I think it's premature to make a ruling as
18 to whether to break up a deposition, whether to do the
19 deposition in the Philippines or some other place. Hong Kong
20 is the default setting. If the parties agree to do it in
21 another place, that's fine.

22 Plaintiffs, you can file an application for good
23 cause showing why a deposition shouldn't be in Hong Kong or
24 why there should be two sessions instead of one session, but
25 we have to move this along, and prima facie defendants'

1 language is appropriate and reasonable and we'll go with it.

2 MR. SLATER: I'll add a caveat to that. I'm sorry,
3 Your Honor, one caveat. The agreed-to-be-deposed language is
4 still in that provision, so I would ask that that be removed
5 or held by, you know, biding the time when Your Honor rules on
6 that issue, if it actually gets briefed.

7 JUDGE SCHNEIDER: That's right, because we don't want
8 to make that admission. Residing in Mainland China who is
9 deposed in this action, blah, blah, blah. Let's do it that
10 way, Mr. Goldberg, okay?

11 MR. GOLDBERG: That's fair.

12 JUDGE SCHNEIDER: Okay. Next issue.

13 MR. GOLDBERG: So the next issue is about cost, and I
14 think we'll -- I think what you wanted to do, we had proposed
15 that the parties should split the cost of these depositions,
16 the travel time, for the witnesses. Defendants will -- will
17 agree to bear a cost for a reasonable number of depositions
18 and we think we're going to have a reasonable number in this
19 case, but we just wanted to, you know, preserve the point that
20 we may come back to the Court to ask for costs if the number
21 becomes unreasonable.

22 JUDGE SCHNEIDER: Mr. Goldberg, I think it's
23 appropriate that you preserve your right to apply for costs.
24 I don't think it's appropriate to include a provision unless
25 the plaintiffs agree that they're going to share the costs.

1 When and if the time comes that you make your application,
2 we'll deal with it.

3 MR. GOLDBERG: Thank you, Your Honor.

4 So the next point is about the length of the
5 deposition, and our proposal was that the deposition be seven
6 hours, it would be in accordance with Hong Kong time or really
7 the time where the witness is located, but we expect as Your
8 Honor pointed -- pointed out, that Hong Kong would be the
9 default, and that the deposition would be conducted, you know,
10 over the course of a seven-hour day, but beginning Hong Kong
11 time, and there could be, you know, the question increased the
12 time if there are technical problems from the videoconference
13 connectivity, which we expect there may be, or other technical
14 problems due to the Zoom or due to whatever technology the
15 parties are going to use.

16 You know, we had proposed, and we'll certainly
17 discuss with plaintiffs the possibility of having, you know,
18 instead of a seven-hour day of 9:00 a.m. until 6:00 p.m. Hong
19 Kong time, you know, two consecutive five-hour days starting
20 at 7:00 a.m. Hong Kong time, so that lawyers in the U.S. can
21 be taking the deposition in the evening U.S. time.

22 So we're happy to try to work that out with
23 plaintiffs, but we would propose our language be in the
24 protocol subject to agreement on that kind of two-day
25 five-hour block session.

1 JUDGE SCHNEIDER: Didn't we already address this
2 issue, about the length of depositions, and there was a
3 dispute as to whether it should be increased by 50 percent or
4 75 percent, if there's -- and the Court ruled 75 percent?

5 MR. GOLDBERG: Yeah, that's a little bit of a
6 different issue. I mean, this is really talking about the
7 length of the deposition before you add on the translation
8 time.

9 JUDGE SCHNEIDER: Oh, seven hours.

10 MR. GOLDBERG: Right. And this is just proposing
11 that that seven hours start as provided under the federal
12 rules at the time zone in the location where the witness
13 resides. So we can discuss -- I don't think Your Honor needs
14 to rule on C12 at this point. I think we can discuss this
15 with plaintiffs if they would like to, you know, continue the
16 discussion about the time of the depositions.

17 JUDGE SCHNEIDER: Okay. Fine with me.

18 MR. GOLDBERG: The next issue, I think this really
19 ties in with C15 to some degree, and it has to do with the
20 number of times a Chinese witness would be expected to travel
21 from China to Hong Kong for a deposition, and, you know, we
22 think that there should only be one -- that the plaintiff
23 should be limited to -- absent good cause, that the
24 expectation should be that a witness will only travel to Hong
25 Kong one time.

1 JUDGE SCHNEIDER: Isn't that implicit, though? Do we
2 have to say that explicitly? Isn't it the general practice --
3 in fact, I think there's a federal rule on this, that says you
4 can't depose a witness a second time and you have to apply to
5 the Court for approval. Why do we have to put this in there?
6 I mean, hypothetically, suppose the witness gets sick and has
7 to leave early, he'll come back a second day.

8 The way the language is written now, he doesn't -- he
9 or she doesn't come back, but I know there's a federal rule on
10 this that says a person could only be deposed once without
11 leave of Court.

12 So --

13 MR. GOLDBERG: Okay, that's --

14 JUDGE SCHNEIDER: Why do we need something in there?

15 MR. GOLDBERG: We can -- we can live with that, you
16 know, understanding, Your Honor.

17 JUDGE SCHNEIDER: It would be up to -- if the
18 plaintiff wants to depose, it would be up to the plaintiff to
19 make an application.

20 MR. GOLDBERG: Right.

21 So if we could go down to C15, that's really the next
22 big issue and I think this is an important issue. This really
23 ties into what Judge Kugler was saying at the beginning of the
24 day, which is, of course, the COVID-19 has impacted everyone
25 around the world. There are -- of course, due to the surge,

1 we're seeing the kinds of shutdowns and quarantines that we
2 saw earlier this year, and that's occurring in China again,
3 both intra-China. So now intra-China just like in the U.S.,
4 it's harder to travel around China due to COVID. They had
5 relaxed intra-China travel over the summer, but just like us,
6 those restrictions are going back up.

7 But more importantly, Chinese nationals, right now,
8 were we to have these depositions, a Chinese national
9 traveling to Hong Kong would have to quarantine for 14 days in
10 Hong Kong and 14 days upon their return to China. So a total
11 of 28 days of quarantine for the deposition. And, you know,
12 we think there's plenty of support for the notion that Courts
13 can be flexible in terms of scheduling with respect to
14 COVID-19.

15 This Court has already been very clear that, you
16 know, it will be and it acknowledges that COVID-19 is good
17 cause for making changes to the schedule.

18 But I thought, you know, it's important to point out
19 here that -- and this gets to some of the things we discussed
20 about the number of witnesses and who will be deposed and
21 we'll be discussing this more with plaintiffs. But plaintiffs
22 have proposed that 15 Chinese witnesses be deposed in their
23 individual fact witness capacity, and, in our view, we think
24 we could designate five or -- five to seven of those witnesses
25 to cover the entire ZHP 30(b)(6) notice.

1 And our proposal or our thinking would be that those
2 30(b)(6) witnesses would not be deposed until the COVID-19
3 travel restrictions have been lifted, because it seems to be
4 unfair to expect Chinese nationals, even as 30(b)(6)
5 witnesses, to travel to Hong Kong during the global pandemic,
6 to be out of work for 28 days, to run the risk of contracting
7 COVID-19 or to transmitting it to their family members, and we
8 don't see any real urgency.

9 Now, of course, this is not -- this is not to delay
10 the deposition, but if these depositions of these five to
11 seven witnesses needed to wait a few months until the COVID-19
12 restrictions are lifted or relaxed in a material way, you
13 know, we think that that makes a lot of sense, especially
14 given that counsel wouldn't, as they said, they wouldn't
15 travel to a different country under these circumstances, and I
16 don't see how this Court should expect witnesses to do -- to
17 travel under these conditions.

18 JUDGE SCHNEIDER: Mr. Goldberg, you and everyone else
19 in this case can be a hundred percent certain that this Court
20 will never put someone's health and safety at risk for a
21 deposition in the case.

22 That goes for everybody. If we put this language in
23 there, it just invites fights and troubles. We don't even
24 know who's going to be deposed and when.

25 Why don't we wait to see if there's going to be a

1 problem in the future and we'll deal with it. Simple as that.
2 When plaintiff finally decides who they want to depose, if
3 there's this quarantine situation in China, 14 days plus 14
4 days, we'll deal with it. But to put that in right now is
5 just -- it's just buying trouble. It's inevitably going to
6 lead to a fight when there may not be a need to do it.

7 So my ruling is, let's not put that language in
8 there, but rest assured, that if someone's health or safety or
9 welfare is at risk, they're not going to be deposed. Simple
10 as that.

11 That goes for everybody.

12 MR. GOLDBERG: That's fair, Your Honor. That should
13 -- I appreciate that.

14 JUDGE SCHNEIDER: It's on the record. Yeah, I mean,
15 there's no way, there's zero chance that this Court is going
16 to put anyone's health and safety and welfare at risk for
17 deposition. It just won't happen.

18 But let's avoid a fight now and see down the road if
19 we're going to have an issue with it.

20 That's what I would say. Any other issues?

21 MR. GOLDBERG: I'm just looking at the -- I'm looking
22 at the chart. The next issue, 16 I think is covered under the
23 legal issue, would be part of the legal issues with regard to
24 the laws of the other country.

25 Same with D17.

1 D18 is an important issue. I just wanted to alert
2 the Court to it because it falls --

3 JUDGE SCHNEIDER: Leave it in. Leave it in, Mr.
4 Goldberg. That's perfectly reasonable.

5 MR. GOLDBERG: Thank you, Your Honor.

6 And C19 is a particularly sensitive issue, one that,
7 you know, we're sensitive about raising, and it's also raised
8 in the Indian addendum. We think it should be beyond question
9 that there should be no disparagement regarding Chinese or
10 Indian or any other countries' heritage or culture or
11 government, and we think it's important to have this
12 explicitly in.

13 We all know how depositions can get heated at times.
14 We all know, you know, that there are possibilities for saying
15 things that could cross the line regrettably. That's happened
16 a few times in this case already, and what we don't want is to
17 have any kind of comment disrupt the testimony. And it could
18 be, you know -- it should just be explicit that Chinese
19 heritage, culture, traditions, the witness's fluency in
20 English, you know, should really be off limits, and we don't
21 think this is a controversial position. This is something
22 that all parties should agree to.

23 JUDGE SCHNEIDER: Is this really going to be an issue
24 in this case?

25 MR. GOLDBERG: You know, Your Honor, unfortunately, I

1 think it can be. And remember, we live in a society here
2 where, you know, we've had our highest level, you know, make
3 some not very flattering comments about the Chinese, and
4 unfortunately, that does filter down, and we have had some
5 comments in this case already that would be deemed offensive
6 by the Chinese.

7 MR. SLATER: Your Honor, since it was already
8 addressed in the -- I'm sorry, Your Honor.

9 JUDGE SCHNEIDER: I was going to say, can we just
10 include something to the effect that all counsel shall -- all
11 counsel are expected to conduct themselves in a civil and
12 professional manner and, you know, they can make application
13 to the Court for appropriate -- I don't know, but --

14 MR. SLATER: You know, Judge, it's already addressed
15 in the deposition protocol. The main deposition protocol
16 already addresses the issue.

17 THE COURT: Contains sort of this general civility --

18 MR. SLATER: Yes, don't be offensive. Yes, I don't
19 have it in front of me, but it has language to the effect of,
20 you know, don't say offensive, disparaging things. I mean,
21 certainly, I think that covers it, and I don't know that we
22 have to go down the rabbit hole figuring out how someone's
23 fluency in English could be a reasonable thing to bring up.
24 Not in a disparaging way, but in a fact-based way. So it's
25 just not necessary.

1 MR. GOLDBERG: Your Honor, I don't see why it would
2 be controversial to have the specific language that counsel
3 shouldn't make comments regarding the Chinese government,
4 Chinese heritage, or Chinese culture or tradition which could
5 be very offensive if taken the wrong way.

6 There's no reason that any of these comments --
7 there's no reason to comment on any of this with a witness,
8 but, you know, because we're -- and it's, I think particularly
9 important given that we are going to be in a Zoom setting
10 where I may be in one place, my witness may be in another,
11 counsel may -- and for plaintiffs may be in another, and if a
12 statement is made, it's very hard to even, you know, work with
13 your witness to try to explain, you know, and try to, you
14 know, sort of do damage control and could be highly disruptive
15 to the deposition.

16 JUDGE SCHNEIDER: Well, here's what I say. I'm not
17 going to order that this language be included in the addendum,
18 but I am very confident that Judge Kugler and I are on the
19 same page, that it's completely unacceptable for anyone to act
20 uncivilly or unprofessional, and to fail to respect the
21 customs and practices of someone who may be from a foreign
22 country, and that the Court will have zero patience that -- if
23 anyone breaches this. I don't think it's going to happen with
24 this case.

25 I'm not going to order this infringement on someone's

1 first amendment rights, but I think this is a nonissue. It's
2 not going to happen, and there's already a provision,
3 according to Mr. Slater, that parties have to act civilly and
4 professionally. But you can rest assured that if that does
5 occur, it will be addressed harshly.

6 There's absolutely no excuse for that on all sides.
7 I don't think it's going to happen, given that counsel in this
8 case, and I think we're just buying trouble if we include this
9 language in there. So I'm not going to order it to be
10 included.

11 MR. GOLDBERG: Thank you, Your Honor. The last point
12 on this has to do with exhibits that might contain a foreign
13 language that would be potentially shown to a witness.

14 We had initially tried to have a process where the
15 parties would exchange those translated documents before the
16 deposition, so they could agree upon what the documents say.
17 And in particular, with the Chinese, just as with the
18 exhibits, and also at the deposition, the need to have two
19 translators. There are often differences in how the Chinese
20 language is interpreted, and we think that it's important that
21 going into the deposition, the parties are on the same page as
22 to what a document that's written in a foreign language says
23 before the witness testifies about the document.

24 We tried to write that up in a certain way, which is
25 the language we proposed. Plaintiffs had a different --

1 different proposal, which was that they could provide
2 translations to us or the counsel that would be -- deposing
3 counsel, and this is most likely plaintiffs, would provide the
4 translated -- could provide the translated documents if they
5 chose to before the deposition, but didn't have to, and, you
6 know, I appreciate the concern that plaintiffs have that they
7 don't want to share with defendants the depositions (sic) that
8 they intend to show the witness. They don't want the witness
9 to be able to be prepared without that document, I understand
10 that.

11 The challenge here is that we don't want to use
12 deposition time to debate about the language in an exhibit.
13 And so, you know, we'd propose two alternatives. We shared
14 one with -- we shared it with plaintiffs this morning,
15 although we haven't had a chance to discuss it. Maybe we'll
16 get to agreement on this.

17 But what we propose is that either the parties
18 exchange these kinds of exhibits with enough time to resolve
19 any dispute, at least two days in advance of the deposition,
20 or that -- that the time that it takes to debate about these
21 issues at a deposition, if the documents had not been provided
22 beforehand should count as deposition time.

23 JUDGE SCHNEIDER: Mr. Slater?

24 MR. SLATER: Yes, Your Honor. You know, for obvious
25 reasons, we can't agree to a provision requiring us to preview

1 the documents that we may use during the deposition, nor can
2 we can agree to a provision that requires us to go through a
3 process to agree to the translations prior to the deposition.
4 So our provision made that -- I mean, that we can choose to do
5 voluntarily in our -- you know, if we choose to do it, we can
6 do it. If we choose not to, we can take the deposition and go
7 forward.

8 But it's unworkable to force us to preview every
9 foreign language document we're going to be using in a
10 deposition prior. You know, for obvious reasons, we just
11 can't agree to something like that. If they want to discuss a
12 little more of our language, we're fine with that, but, you
13 know, the language we were sent today essentially -- to
14 defense counsel during these hearings this morning, and I'm
15 reading this as requiring us to provide all documents we're
16 going to use in the deposition in advance if they have foreign
17 language in it, which, of course, we cannot agree to.

18 MR. GOLDBERG: Your Honor.

19 JUDGE SCHNEIDER: Go ahead.

20 MR. GOLDBERG: I mean, the thing is, that if we don't
21 have agreement as to what the documents say, at least a few
22 days in advance, so that we can raise with the Court any
23 dispute about differing translations. The testimony may not
24 be accurate, counsel for the witness may not be able to
25 properly provide counsel as to, you know, the deposition,

1 object if necessary. We need to be able to understand what
2 the document says and how it's being interpreted.

3 And if there are differing translations, that's going
4 to be a problem for everyone. And if counsel doesn't want to
5 share the documents with us ahead of time, then it should be
6 very clear that any time spent having to translate the
7 document during the deposition would be counted as deposition
8 time.

9 MR. SLATER: Your Honor, there is no such provision
10 in the *Benicar* litigation which Your Honor is very familiar
11 with, where we deposed --

12 (Connection interference)

13 MR. SLATER: I'm sure there's a bunch of people
14 hoping I won't be able to dial back in. Should I do that
15 right now, Your Honor?

16 JUDGE SCHNEIDER: I think that would be helpful.

17 MR. SLATER: I will do it right now.

18 (Mr. Slater dials back into the call.)

19 MR. SLATER: Hello, Your Honor, I'm back. Is that
20 better for everybody? I'll be short-winded.

21 In the *Benicar* litigation, we had no such provision,
22 we deposed 19 or 20 Japanese-speaking witnesses through
23 translators with actually no disputes and no problems. So we
24 just intend to proceed as we did there. This provision, for
25 all the reasons stated, would be unfair and prejudicial to

1 plaintiffs.

2 JUDGE SCHNEIDER: I'm not going to order plaintiffs
3 to reveal its work product before the deposition. We're going
4 to leave for another day and not include in the order a
5 provision about how to count time. If it's a problem, you'll
6 deal with it. The Court will deal with it at the appropriate
7 time, but I think it's an issue better left for the future.

8 It wasn't a problem in *Benicar*, it seemed to go
9 smoothly. We certainly didn't go through this type of
10 argument when we did the protocol in that case. I don't know
11 why we're doing it in this case, but be that as it may, I
12 think we're just buying trouble if we put the provision in
13 there now.

14 So the Court's ruling is, don't include it.

15 Next.

16 MR. SLATER: Judge, that's the end of the Chinese --
17 the language addendum of the Chinese nationals. I was going
18 to suggest that in light of the length of the hearing and the
19 detail with which we addressed the Chinese addendum, that
20 perhaps the parties can meet and confer further on the Indian
21 and the other addendum, with an eye towards trying to finalize
22 them all at the same time, if that is acceptable to the Court
23 and to the defense.

24 THE COURT: It's acceptable to me if Mr. Goldberg
25 agrees. I think our next call is the 13th, so we could put

1 the issue of the addendums on the agenda for the 13th.

2 MR. GOLDBERG: That's fair, Your Honor.

3 JUDGE SCHNEIDER: Hopefully, the issues if any are
4 left will be narrowed.

5 MR. SLATER: Will that conclude the legal issues that
6 Your Honor wants to tee up at this point?

7 JUDGE SCHNEIDER: Oh, good question.

8 Well, actually -- I'm sorry, I was in the wrong
9 month. Actually, the next Valsartan call is December 9th, not
10 the -- I was in January. December 9th is the next Valsartan
11 call. So we'll tee it up for that.

12 Mr. Goldberg, apart from the State Secret issue, what
13 other issues do you think is appropriate to tee up in a
14 motion? Do you want to tee up the number of depositions or
15 you'll work that out? Are there Hague Convention issues,
16 anything else we need to deal with of a legal matter?

17 MR. SLATER: I do think the number of depositions is
18 something that we all need to tee up and maybe we'll be able
19 to make progress in terms of meet and confers. I think that
20 also goes with respect to the 30(b)(6) notice.

21 While, you know, Your Honor made progress in terms of
22 approving the topics, we haven't talked yet about how much
23 time would be allotted for the 30(b)(6) depositions, and
24 whether there should be limits on the time for those, given
25 the extensive number of topics and notices in these

1 depositions. So we would have that issue.

2 I think that there are issues as to the applicability
3 of The Hague Convention --

4 JUDGE SCHNEIDER: Okay.

5 MR. GOLDBERG: -- that defendants want to raise, that
6 could be it.

7 JUDGE SCHNEIDER: Okay.

8 MR. GOLDBERG: I think December 9th may be ambitious.

9 JUDGE SCHNEIDER: No, I think that's too early, I
10 agree, that's too early. What I was going to maybe think of
11 is December 23rd before Christmas to tee up all those issues
12 before -- in a motion filed before Christmas.

13 MR. GOLDBERG: That makes sense to us, Your Honor.

14 MR. SLATER: That makes sense.

15 JUDGE SCHNEIDER: Yeah.

16 MR. SLATER: Your Honor, one thing.

17 JUDGE SCHNEIDER: Go ahead, Mr. Slater.

18 MR. SLATER: I was just going to say, on the number
19 of -- the number of deponents, I think at the end,
20 Mr. Goldberg said that it may be premature. I think it is,
21 and I know from my discussions with some of the defendants,
22 they didn't want to have that discussion because at this
23 point, there is no reason to believe we're going to have a
24 dispute on that, and we're certainly going to work
25 cooperatively to try to avoid that being an issue, for all the

1 reasons that have been discussed for months.

2 So I think that arguing over arbitrary limits will
3 become very sticky and probably not necessary, since the
4 numbers will be different, probably per defendant, and giving
5 a bright line on that is probably work that we don't need to
6 do. I think we should wait and see if there's a problem and
7 then address it then.

8 MR. GOLDBERG: Your Honor, this is Seth Goldberg. I
9 think that should be on the schedule for December 23rd. It
10 would incentivize the parties to reach an agreement, because,
11 you know, we think it's important to have limits -- it's
12 important for our clients to understand, you know, who's going
13 to be deposed, when they're going to be deposed, and what the
14 disruption to their business is going to be in terms of the
15 number of depositions.

16 JUDGE SCHNEIDER: I agree with you, Mr. Goldberg. If
17 -- and I think it's important. Plaintiff, if I'm picking a
18 number out of the sky, I'm not ruling, of course, but, you
19 know, if you know you have -- pick a number -- ten
20 depositions, strategically, you're going to decide who to
21 depose and who not to depose. If you go into the process
22 thinking you have an unlimited number, you may be prejudiced
23 at the end of the day.

24 So I think it's in everyone's best -- and with the
25 proviso that if there's good cause, you'll get more, but I do

1 think there should be a presumptive limit.

2 MR. SLATER: Well, there's a --

3 JUDGE SCHNEIDER: Go ahead.

4 MR. SLATER: I am very sorry, Your Honor, for the
5 delay, I didn't mean to talk over you. I never want to do
6 that.

7 JUDGE SCHNEIDER: No, no, I understand, it's
8 problematic on the phone. Go ahead.

9 MR. SLATER: I was going to say, that as a practical
10 matter, this can't be addressed December 23. For example,
11 defendants --

12 (Call dropped)

13 MR. SLATER: Because we won't even know the corporate
14 representatives until December 20 for the order, if we get the
15 order entered Monday, with the corporate rep notices. It
16 pushes beyond that if the order is entered Wednesday, so I'm
17 just asking that we hold that issue in abeyance.

18 We are very aware, Your Honor, and I can state for
19 the record on behalf of the plaintiffs, we do not believe we
20 have unlimited depositions and we have stated on the record
21 many times that we are interested in trying to streamline the
22 number of depositions, but that starts with the 30(b)(6)s and
23 who's going to be produced and where.

24 JUDGE SCHNEIDER: You raised good points, Mr. Slater.
25 Why don't we discuss this on December 9 and see where we are.

1 MR. SLATER: Okay.

2 JUDGE SCHNEIDER: Okay. So the Court -- one question
3 I had is, have you all started to talk about actually
4 scheduling depositions, and where and when they're going to be
5 taken, since I think the start date is what, January 19th or
6 18th?

7 MR. SLATER: We have started to talk in obscure
8 terms. We have not made much progress other than some, you
9 know, generalities.

10 Until we know who the 30(b)(6) witnesses are and the
11 defendants have told us and that we accept this, they wanted
12 to know what the topics were going to be so they could make
13 those decisions. That's really the starting point and
14 everything will flow from that.

15 JUDGE SCHNEIDER: Yeah, but again, that's fine, but
16 the low-hanging fruit is the class action plaintiffs, right?

17 MR. SLATER: Oh, that's being worked through. That's
18 not something I'm handling personally. If someone wants to
19 chime in and explain. But I know that dates are being
20 provided.

21 MR. GOLDBERG: Your Honor, we have not received
22 dates.

23 JUDGE SCHNEIDER: No problem.

24 MR. GOLDBERG: We have not received dates for the
25 plaintiffs' representatives for the period January 15th

1 through end of March.

2 JUDGE SCHNEIDER: Ouch.

3 MR. GOLDBERG: And we have asked for those dates and
4 then once we have those, we can start to try to figure out how
5 to slot the witnesses in.

6 JUDGE SCHNEIDER: You ought to start talking about
7 it.

8 MR. GOLDBERG: Plaintiffs need to provide the dates.

9 MR. SLATER: Your Honor, we understand that, and as
10 you remember, we provided dates in November and December for
11 most of the corporate reps -- or most of the class
12 representatives, and that the defense didn't want to proceed.
13 So we now are going back and getting dates from everybody from
14 scratch and they will be provided very shortly.

15 JUDGE SCHNEIDER: I suggest you get cracking on that.
16 Have you discussed, Mr. Slater, this will be in your
17 bailiwick, are there American witnesses who are going to be
18 deposed so we don't run into the translation and travel issues
19 with the foreign witnesses?

20 MR. SLATER: That's a great question, Your Honor. A
21 few of the defendants have told us in the meet-and-confer
22 process that they expect to produce witnesses in the United
23 States to address some topics, but they haven't determined
24 which or told us which yet, because they were waiting for the
25 notices.

1 We have asked over and over again to try to get those
2 discussions going. I can tell you, for example, with ZHP,
3 there's not going to be a surprise to Your Honor on this.
4 We've asked multiple times and John Du, the designated
5 representative, because he's here in the United States and
6 presumably as an officer of ZHP would be knowledgeable about
7 many things and there's been no commitment to that and
8 obviously, there's no obligation to a commitment yet. But
9 we've been asking and what we've been told is that the -- some
10 witnesses will be produced in the U.S. Some of the defendants
11 have been more forthcoming than others about a commitment to
12 do so as much as possible, and some have basically said,
13 you'll have to wait and see.

14 So we started the discussions and we certainly would
15 hope that everybody is going to endeavor to name as many
16 corporate reps in the United States as possible because that
17 obviously benefits everybody.

18 MR. GOLDBERG: Your Honor, this is Seth Goldberg. I
19 mean, you know, I really take issue with Mr. Slater's repeated
20 mischaracterizations of discussions that are happening in meet
21 and confers, and it's been done throughout this many-hour
22 session about ZHP.

23 We've had discussions, we've even put it in our
24 brief, Your Honor, that there are U.S. witnesses that can be
25 deposed, not necessarily 30(b)(6) witnesses for ZHP, as those

1 witnesses reside in China, but there are employees of the U.S.
2 entities which also received 30(b)(6) notices that can be
3 deposed in the U.S., and I think other defendants have
4 proposed U.S.-backed witnesses and/or U.S. 30(b)(6) witnesses.

5 In fact, from ZHP's standpoint, the 30(b)(6)
6 witnesses for ZHP, as we put in our brief, may number five to
7 seven witnesses, which -- it really shouldn't be an issue,
8 when they get deposed, plaintiffs can proceed with those
9 witnesses that are in the U.S., and there's been no -- there's
10 been no disagreement about that.

11 JUDGE SCHNEIDER: Well, I would suggest the parties
12 start cracking on this discussion, because the depositions are
13 going to start on January 19th, and pursuant to the schedule
14 that Judge Kugler gave you this morning, let's see, I have my
15 notes here, all fact discovery and all issues including
16 general causation and class certification have to be done by
17 April 1, 2021. That's not a whole lot of time.

18 So I think it's important for the parties to get
19 cracking on these issues about who's going to be deposed, when
20 and where. I'll leave it in your very capable hands.

21 Anyway, I don't -- looking through my notes and I
22 went through the letters about the issues to be discussed, it
23 talks about -- there was an issue, two other issues I have
24 listed in plaintiffs' letter are ZHP production deficiencies
25 and wholesaler discovery.

1 Mr. Slater, are there issues we need to deal with in
2 that vein?

3 MR. SLATER: I'm going to hand off to Mr. Parekh who
4 I think is going to handle our argument and potentially
5 Ms. Hilton as well regarding the ZHP --

6 (Connection interference.)

7 MR. PAREKH: Good afternoon, Your Honor, this is
8 Behram Parekh. The only issue that we're having with this
9 particular item is the establishment inspection reports which
10 defendants have produced from the FDA, have a lot of
11 redactions, and we've just asked to be able to sit down with
12 defendants and try and figure out if we can determine, you
13 know, an agreed-to tooling for those redactions. Some of them
14 from our side appear to be relatively obvious that we can fill
15 in, so that we don't waste time at depositions asking
16 witnesses those questions. And defendants have just said
17 no -- or ZHP has said no at this point.

18 And we just wanted to reply this issue. We're still
19 trying to meet and confer with ZHP on this issue and we'll be
20 meeting and conferring with other defendants as well, and
21 wanted to get your guidance on that.

22 JUDGE SCHNEIDER: Can't you just subpoena the
23 unredacted documents from the FDA?

24 MR. PAREKH: That does not appear to be something
25 that we can do.

1 JUDGE SCHNEIDER: Why not?

2 MS. HILTON: Your Honor, I can chime in on this.

3 This is Layne Hilton. I actually did subpoena one of -- or
4 not subpoena, I FOIA'd -- through the Freedom of Information
5 Act, one of the establishment inspection reports, specifically
6 the August 2018 establishment inspection report. And when it
7 was produced to me, which of course pursuant to the Court's
8 order, we then produced to defendants, it contained these
9 redactions.

10 My understanding is that when the FDA produces
11 documents pursuant to FOIA requests, they are required to
12 redact out what they believe to be sensitive, commercial
13 information that belongs to the entity for which is the
14 subject of the document, in this case, ZHP.

15 So we did actually proactively FOIA this document and
16 we received it well before we ever received it in the
17 production. It's simply that we received it with redactions.

18 JUDGE SCHNEIDER: I guess my question is, why didn't
19 you subpoena -- why don't you subpoena the complete document,
20 then the Court has jurisdiction over the issue and then we
21 could rule on the issue. But if it's in the context of a
22 FOIA, we don't have jurisdiction.

23 MS. HILTON: Right, Your Honor. Well, yeah, you make
24 a really valid point here. We'll look into the possibility of
25 subpoenaing it, and then, you know, potentially, if ZHP would

1 consent to the release of the information, we may be able to
2 get somewhere. So we'll research that possibility on our end.

3 JUDGE SCHNEIDER: Subject to the confidentiality
4 designations, what have you. But I think the subpoena should
5 ask for unredacted copies, not redacted copies, and --
6 wouldn't it be up to the FDA to then file a motion for
7 protective order and then we can decide the issue and get
8 the -- if appropriate, get the unredacted documents.

9 MS. HILTON: Yes, Your Honor, we'll look into that.

10 JUDGE SCHNEIDER: Good. Yeah, I think that would be
11 a prudent way to proceed if ZHP says they don't have the
12 unredacted documents.

13 MS. SCHWARTZ: Your Honor, this is Barbara Schwartz
14 for the ZHP defendants. That's correct, ZHP does not have the
15 unredacted documents. It only has the copies from the FDA
16 with the redactions as they've been produced.

17 JUDGE SCHNEIDER: But presumably -- well, that's -- I
18 know, that's strange, though, that ZHP doesn't have complete
19 copies of its own documents? But be that as it may, if that's
20 your position, fine. Presumably the FDA has unredacted
21 copies. So it seems to me a subpoena is the appropriate way
22 to proceed, and then we'll -- those are important documents,
23 so we ought to tee up that issue.

24 MS. SCHWARTZ: Your Honor, just to make clear, the
25 documents are not our documents, they are FDA documents.

1 JUDGE SCHNEIDER: Oh, well, I'm sorry, I apologize,
2 you're right. They're FDA inspection reports and what, did
3 they send you -- not you, ZHP redacted copies?

4 MS. SCHWARTZ: That's correct.

5 JUDGE SCHNEIDER: Okay. Well, then, undoubtedly --
6 I'm repeating myself, the FDA has -- is the only source of the
7 complete copies, so let them say why they can't produce
8 complete copies.

9 MR. PAREKH: Your Honor, this is Behram Parekh. Just
10 so that we're clear on this. I mean, we can certainly do
11 that. It's my experience in prior cases that the FDA under
12 Title 21, Section 20 of the CFR, has the right to not produce
13 those records and decline to produce on the basis that it --
14 the only way to get those records from the FDA is via a FOIA
15 request. We can obviously do some more research on this
16 issue. The last time I did this was about five years ago, but
17 that sort of -- that was what I was trying to get at at the
18 beginning.

19 JUDGE SCHNEIDER: Well, I'd like to see the law on
20 that, that says that the FDA doesn't have to comply with a
21 Court order.

22 Anyway, I think you should serve a subpoena and then
23 it will be up to the FDA to file a motion for protective order
24 or plaintiffs file a motion to compel. We'll get them before
25 the Court and we'll decide the issue.

1 MR. PAREKH: We will do that, Your Honor. Thank you.

2 JUDGE SCHNEIDER: Great.

3 Then the wholesaler discovery, was there an issue
4 there, Counsel?

5 MR. STANOCH: Your Honor, David Stanoch for
6 plaintiffs. We'll be very brief. There's only two things
7 here, Your Honor. One is the normal sort of
8 request-by-request sort of deficiencies that we believe exist
9 with each defendant. They claim they all couldn't get on the
10 phone before this. We'll accept that. We're happy to talk to
11 them. It would just be helpful if Your Honor sort of
12 reiterates that we don't need all three parties on to
13 coordinate for one call, to talk about defendants' specific
14 objections.

15 Of course, if there's an overarching issue, we're
16 happy to say they have to go talk amongst themselves, but we
17 shouldn't have to get a Goldilocks date where their stars
18 align for everyone just to meet and confer. So I think
19 there's nothing on that one.

20 Except, Your Honor, Issue 2, which is the issue in
21 our letter and Mr. Slater's letter on Page 15 regarding all
22 defendants -- wholesaler defendants' objections producing
23 certain data on the basis of the Drug Supply Chain Security
24 Act.

25 We concisely set forth that the first time we saw

1 this after months of back and forth and argument and Court
2 rulings, is in their written objections. We had hoped to
3 resolve it informally, but after, you know, last time we
4 talked to them about this was November 3rd. Here we are
5 November 24th, haven't heard back from them. We don't want
6 this to slip through the cracks.

7 So if Your Honor would like, perhaps it could be teed
8 up for a later time, but I think it's something we're going to
9 have to address.

10 JUDGE SCHNEIDER: Can someone speak to the
11 wholesalers on this issue? Because I don't know what the --
12 what actually happened, but if I recall correctly, I think
13 plaintiffs breached that -- that the first time the issue was
14 raised was just recently. Everybody knows how much time we've
15 spent dealing with these objections. Is this a new objection
16 that was just raised?

17 MR. GEOPPINGER: Your Honor, Jeff Geoppinger on
18 behalf of the wholesalers and AmerisourceBergen. No, Your
19 Honor, this language has been in our responses since August
20 when they received the first round of responses to their
21 request for production.

22 So it is not -- it is not a new issue, it's a new
23 issue that the plaintiffs reached out to us a meet and confer
24 on, on November 3rd. You know, Mr. Stanoch suggested we
25 haven't heard back from them. On November 3rd, we discussed

1 that issue, along with the letter on the deficiencies he
2 described which we just received on November 18th, along with
3 a repeat of this issue on -- about this particular response,
4 not -- I wouldn't qualify it as an objection. It's part of
5 our written response to those requests for production.

6 So, you know, we're willing -- we need to meet and
7 confer on the other issues. Somebody can address this one
8 along the way there. We think we should at least give that a
9 shot. I think there's a very practical way to, you know,
10 attempt to resolve this, because while the wholesalers have,
11 you know, stated in their response, not objection, that there
12 is a prohibition on them producing a certain bit of data
13 called P3 data that is potentially responsive to these
14 requests, these requests are broader than that.

15 We have produced documents in response to these
16 requests, and there's other documents produced by us as well
17 as potentially the manufacturers and the retailers who don't
18 have the kind of prohibition that, for some reason that is on
19 the wholesalers, that is on -- that's in the Supply Chain
20 Security Act. There may be a way to, you know, practically to
21 resolve this, by looking at those other documents which likely
22 have a lot of the information in them.

23 To answer your question, this isn't a new objection,
24 Your Honor. It's not an objection in our view at all. It's
25 part of our response.

1 JUDGE SCHNEIDER: Okay. Can I make a suggestion
2 that, of course, you should meet and confer on it, but work it
3 out amongst yourselves, agree on a briefing schedule using
4 letter briefs to see if we can tee this issue up on the
5 December 23rd call so we can put it to bed.

6 Whatever briefing schedule you agree to, that you
7 can't -- if you can't work out an issue, that's fine, but why
8 don't we try and get this issue teed up and behind us on
9 December 23rd.

10 MR. GEOPPINGER: All right. Your Honor, hopefully,
11 we will be able to have a practical solution before that, but
12 we will have a briefing schedule --

13 JUDGE SCHNEIDER: I hope so.

14 MR. STANOCH: For plaintiffs, thank you, Your Honor.

15 JUDGE SCHNEIDER: You're welcome. Okay.

16 I think -- let me look at Mr. Goldberg's letter.

17 MS. LOCKARD: Your Honor, this is Victoria Lockard
18 from Greenberg Traurig and Teva. We -- and we submitted the
19 letter this time because the executive committee has -- we've
20 agreed to take turns because it --

21 JUDGE SCHNEIDER: No problem. No problem at all.

22 MS. LOCKARD: We have Jeff Greene on the line. We
23 had included the TAR issue in the agenda. I don't know if
24 there's much to discuss there, but I wanted to make sure that
25 we were heard on that, and Jeff, if you're on, if there's

1 anything we need to put on the record and the Judge is
2 inclined to hear it, then I think that's the only other issue
3 we had in our letter as such.

4 JUDGE SCHNEIDER: I'll hear anything you want to say,
5 but I think the parties have exhaustively briefed and argued
6 the issue. I saw Mr. Slater's discussion of the issue in his
7 letter. I hope it's not necessary, I don't think it is, to
8 respond to that. You're going to get the Court's ruling
9 promptly on it, so.

10 I don't want to cut anybody off. I want to make sure
11 that everyone feels comfortable that they've had a full and
12 fair opportunity to present their argument, but I don't know
13 what can be raised that has not already been raised, unless
14 you could say that you worked it out and the issue is moot.

15 MS. LOCKARD: Unfortunately, that's not the case,
16 Your Honor. I wish I could.

17 MR. GREENE: Hey, Your Honor, Jeff Greene. Just a
18 quick point and I'm not -- obviously, I'm going to take
19 seriously what you just said. I think the only thing I would
20 say with respect to the submission from Mr. Slater yesterday
21 was, you know, concerned sort of misrepresentations that
22 Mr. Slater alleged, and I think, for example, with respect to
23 the 5,000 documents that, you know, during the discussion that
24 we had over the summer, you know, I think it's clear that that
25 was proposed.

1 I think, Your Honor, you came to us during those
2 discussions and said, give us your best and final, you know,
3 in terms of an offer to make this, you know, to get Mr. Slater
4 to accept. We did that with the proviso that Your Honor would
5 actually be looking at those 5,000 documents after Teva had
6 called out the documents relating to privilege and/or other
7 product information.

8 So it was never contemplated and I think it's a
9 misrepresentation to say that we had turned over -- that we
10 had volunteered as part of a TAR protocol that we never agreed
11 to, to turn over 5,000 documents to plaintiffs. And, you
12 know, I think that at the end of the day, Your Honor, and just
13 to sort of reiterate, you know, this is really just about
14 proportionality, and it's not about the do's and don'ts of
15 TAR, but, you know, if I'm allowed 20 words or less and I was
16 never good at math so I can't count all that well, but it's
17 not about TAR. This is about proportionality and it's about
18 Teva having to review four million or potentially millions of
19 nonresponsive documents, when we know the technology is there,
20 we know the metrics are there, and the rules were adjusted --
21 the Federal Rules were adjusted for this very purpose to take
22 proportionality into consideration.

23 So with that, Your Honor, I'll stop and I certainly
24 don't want to argue all the points we've made ad nauseam. So
25 I thank you for your indulgence.

1 JUDGE SCHNEIDER: Thank you. I really don't think
2 there's anything I need to hear from plaintiffs on the issue.
3 I know the parties' positions in detail, and I expect you'll
4 get the Court's ruling promptly.

5 Are there any other issues to address?

6 Okay. Well, thank you, Counsel. I think it was a
7 productive day. I'm trying to get everything done before the
8 end of the year, so you can get your depositions started.

9 We'll see -- we'll keep on working in that vein and
10 there being nothing else, we'll adjourn.

11 And, Karen, I can't thank you enough under difficult
12 circumstances for helping us out with the transcripts.

13 So just like Judge Kugler said, we hope everyone
14 stays safe, have a great holiday, good luck, and we're
15 adjourned.

16 (3:19 p.m.)

17 - - - - -

18

19 I certify that the foregoing is a correct transcript
20 from the record of proceedings in the above-entitled matter.

21

22 /S/ Karen Friedlander, CRR, RMR
23 Court Reporter/Transcriber

24 November 25, 2020
25 Date

\$	18:15	2841 ^[1] - 37:18 2850 ^[1] - 37:20 2879 ^[1] - 37:22 2900 ^[1] - 1:15 2914 ^[1] - 37:24 2d ^[1] - 36:19	20:3, 22:12, 33:22 45 ^[1] - 18:8 450 ^[2] - 2:15, 38:12	9:00 ^[4] - 110:15, 110:16, 110:21, 114:18 9th ^[3] - 128:9, 128:10, 129:8		
\$100 ^[1] - 39:14	2					
0	2 ^[4] - 7:10, 46:9, 83:19, 140:20 20 ^[32] - 8:21, 15:8, 19:8, 19:10, 19:11, 19:12, 19:15, 20:8, 20:14, 20:15, 21:2, 21:12, 21:17, 21:19, 22:11, 22:12, 23:8, 23:17, 23:19, 34:10, 36:19, 38:15, 38:16, 62:24, 64:11, 70:21, 72:1, 126:22, 131:14, 139:12, 145:15 20,000 ^[1] - 37:11 200 ^[1] - 2:15 2003 ^[2] - 33:23, 35:8 2014 ^[1] - 55:1 2015 ^[2] - 36:3, 36:12 2016 ^[1] - 36:4 2018 ^[3] - 49:11, 92:13, 137:6 2019 ^[8] - 47:16, 47:25, 51:23, 62:25, 72:16, 73:17, 92:14, 101:25 2020 ^[2] - 1:6, 3:1 2021 ^[1] - 135:17 20th ^[2] - 47:16, 48:22 21 ^[10] - 2:18, 36:8, 62:8, 65:17, 65:18, 66:1, 66:16, 67:1, 139:12 2151 ^[1] - 38:12 22 ^[2] - 67:1, 70:21 23 ^[6] - 13:2, 50:12, 67:3, 67:4, 67:6, 131:10 2311 ^[1] - 38:9 2333 ^[1] - 38:6 23rd ^[4] - 129:11, 130:9, 143:5, 143:9 24 ^[9] - 1:6, 3:1, 67:3, 67:4, 70:21 24th ^[1] - 141:5 25 ^[4] - 5:11, 47:25, 51:23, 85:2 2500 ^[1] - 2:11 2599 ^[1] - 38:4 25th ^[1] - 48:23 2656 ^[1] - 38:2 27 ^[1] - 9:16 2738 ^[1] - 37:10 28 ^[2] - 117:11, 118:6 2820 ^[1] - 37:13 2824 ^[1] - 37:15	3 ^[6] - 37:1, 37:4, 56:12, 56:13, 58:12, 58:13 30 ^[13] - 2:7, 17:24, 18:2, 19:23, 19:24, 68:3, 68:10, 68:17, 69:4, 69:14, 69:16, 69:18, 69:20 30(b)(6) ^[43] - 30:6, 43:22, 44:8, 44:12, 44:17, 45:24, 46:13, 48:24, 50:1, 52:18, 60:23, 64:14, 67:20, 73:20, 76:3, 76:6, 76:9, 76:23, 80:22, 80:23, 84:20, 86:4, 88:5, 89:21, 89:24, 94:17, 95:4, 95:12, 95:22, 97:3, 98:13, 105:18, 117:25, 118:2, 118:4, 128:20, 128:23, 132:10, 134:25, 135:2, 135:4, 135:5 30(b)(6)s ^[1] - 131:22 30305 ^[1] - 2:11 30th ^[6] - 18:12, 22:21, 40:5, 40:7, 40:12, 40:18 316 ^[1] - 1:18 32 ^[2] - 86:12, 86:16 32502 ^[1] - 1:19 33 ^[1] - 86:15 331 ^[1] - 36:3 3333 ^[1] - 2:11 34 ^[3] - 10:9, 38:6, 105:17 350 ^[1] - 38:4 370 ^[1] - 38:9 38 ^[1] - 86:15 38th ^[1] - 2:24 390 ^[1] - 36:19 3:19 ^[1] - 146:16 3rd ^[3] - 141:4, 141:24, 141:25	5 ^[5] - 53:21, 56:3, 56:11, 57:3, 83:19 5,000 ^[3] - 144:23, 145:5, 145:11 50 ^[2] - 37:14, 115:3 50/50 ^[1] - 39:23 53 ^[10] - 3:11, 33:23, 33:24, 34:1, 34:11, 35:8, 35:16, 36:15, 36:20, 38:22 53(a)(1)(c) ^[1] - 31:19 53(g) ^[1] - 38:22 58 ^[1] - 67:25 59 ^[1] - 67:25	A a) ⁽³⁾ ^[1] - 38:22 A.1 ^[1] - 96:16 A.5 ^[1] - 96:16 a.m ^[5] - 1:7, 3:2, 110:15, 114:18, 114:20 A1 ^[1] - 46:9 A3 ^[1] - 100:25 A4 ^[1] - 100:25 A5 ^[1] - 94:20 abandon ^[1] - 24:12 abdicated ^[1] - 36:24 abeyance ^[1] - 131:17 ability ^[5] - 3:25, 7:11, 38:19, 69:13, 77:9 able ^[31] - 11:10, 13:25, 22:16, 22:17, 25:11, 27:6, 30:8, 32:22, 35:19, 37:7, 45:16, 45:20, 52:18, 57:20, 81:4, 93:17, 101:18, 102:14, 105:23, 107:9, 107:18, 110:10, 112:16, 124:9, 125:24, 126:1, 126:14, 128:18, 136:11, 138:1, 143:11 absent ^[1] - 115:23 absolutely ^[5] - 65:23, 66:12, 88:10, 101:17, 123:6 absorb ^[1] - 30:3 absorbing ^[1] - 30:4 abstract ^[1] - 105:25 academics ^[1] - 34:22 accelerate ^[1] - 43:1 Acceleration ^[1] - 38:12 accept ^[6] - 7:8, 81:16, 108:23, 132:11, 140:10, 145:4 acceptable ^[6] - 74:19, 76:11, 77:10, 88:12, 127:22, 127:24 accepted ^[2] - 96:17, 96:20 access ^[2] - 30:15, 76:22 accessible ^[2] - 76:20,		
1 ^[6] - 7:9, 17:10, 52:2, 66:24, 83:19, 135:17 10 ^[2] - 1:7, 80:8 100 ^[1] - 38:2 10022 ^[1] - 2:22 103 ^[1] - 1:12 104 ^[1] - 36:19 10:02 ^[1] - 3:2 11 ^[2] - 50:18, 82:4 11th ^[1] - 18:4 12 ^[5] - 23:9, 37:7, 37:25, 82:13, 109:12 12:33 ^[1] - 89:15 13 ^[8] - 9:15, 9:18, 9:22, 9:25, 37:19, 37:21, 50:18, 83:1 13th ^[2] - 127:25, 128:1 14 ^[9] - 50:14, 50:19, 51:13, 62:25, 117:9, 117:10, 119:3 15 ^[5] - 22:13, 23:9, 117:22, 140:21 15-month ^[1] - 6:18 15.1 ^[1] - 42:21 15219 ^[1] - 2:25 15th ^[1] - 132:25 16 ^[2] - 62:25, 119:22 17th ^[1] - 2:7 18 ^[1] - 7:18 180 ^[1] - 35:6 1835 ^[1] - 1:15 18th ^[3] - 102:2, 132:6, 142:2 19 ^[2] - 85:2, 126:22 19103 ^[2] - 1:16, 2:7 1938 ^[1] - 34:1 19422 ^[1] - 2:15 1957 ^[1] - 33:18 1993 ^[1] - 35:14 19th ^[2] - 132:5, 135:13 1:15 ^[1] - 89:4 1:19-md-02875-RBK- JS ^[1] - 1:4 1:30 ^[4] - 89:4, 89:5, 89:9, 89:16 1st ^[6] - 14:6, 14:12, 14:24, 16:7, 16:14,		4 ^[5] - 50:21, 53:21, 60:10, 74:25, 75:9 40 ^[5] - 15:9, 15:13,	6 ^[8] - 49:5, 49:6, 51:22, 53:21, 57:3, 70:18, 73:9, 83:19 60 ^[5] - 17:21, 21:3, 68:8, 68:19, 69:15 600 ^[1] - 1:18 601 ^[1] - 2:21 604-2 ^[1] - 91:20 629 ^[1] - 36:3 6:00 ^[1] - 114:18	7 ^[11] - 47:21, 48:5, 48:14, 49:5, 53:21, 54:17, 57:3, 58:17, 62:7, 69:25, 91:11 701 ^[1] - 2:3 70130 ^[1] - 2:4 75 ^[2] - 115:4 756-0160 ^[1] - 1:23 7:00 ^[1] - 114:20 7th ^[1] - 18:13	8 ^[3] - 50:6, 53:21, 83:13 800 ^[1] - 33:10 856 ^[1] - 1:23	9 ^[4] - 79:19, 83:13, 131:25 90 ^[5] - 21:3, 21:4, 21:7, 33:7, 37:23 94 ^[1] - 5:12

<p>78:22</p> <p>accompanied [2] - 14:14, 42:20</p> <p>accomplish [1] - 111:5</p> <p>accomplished [1] - 97:18</p> <p>accordance [2] - 55:16, 114:6</p> <p>according [1] - 123:3</p> <p>account [2] - 14:11, 111:5</p> <p>accumulating [1] - 71:9</p> <p>accurate [2] - 72:23, 125:24</p> <p>achieve [2] - 31:1, 31:10</p> <p>acknowledge [2] - 85:14, 101:15</p> <p>acknowledged [3] - 62:22, 92:23, 96:22</p> <p>acknowledges [2] - 100:4, 117:16</p> <p>act [2] - 122:19, 123:3</p> <p>Act [4] - 33:21, 137:5, 140:24, 142:20</p> <p>Actavis [2] - 2:12</p> <p>action [10] - 4:10, 12:22, 15:5, 32:2, 32:5, 36:6, 38:7, 92:15, 113:9, 132:16</p> <p>ACTION [1] - 1:3</p> <p>actions [7] - 13:2, 32:3, 37:16, 37:23, 38:7, 38:10, 38:14</p> <p>actual [9] - 49:10, 61:17, 63:4, 70:8, 70:17, 70:20, 71:8, 72:4, 86:23</p> <p>ad [1] - 145:24</p> <p>Adam [4] - 15:22, 28:9, 44:11, 45:4</p> <p>ADAM [1] - 1:12</p> <p>add [12] - 8:5, 57:14, 57:21, 67:10, 67:11, 67:13, 67:15, 68:13, 94:21, 107:23, 113:2, 115:7</p> <p>added [2] - 56:23, 70:7</p> <p>addendum [33] - 43:22, 89:10, 90:12, 90:13, 90:15, 90:16, 90:18, 90:20, 90:21, 90:23, 91:3, 91:12, 91:19, 91:21, 92:8, 92:22, 95:18, 97:1, 97:7, 97:15, 97:23, 97:24, 98:22, 99:4,</p>	<p>101:15, 101:18, 112:4, 120:8, 122:17, 127:17, 127:19, 127:21</p> <p>addendums [7] - 44:5, 44:10, 88:23, 89:20, 90:1, 90:11, 128:1</p> <p>adding [4] - 21:17, 21:19, 77:11, 109:10</p> <p>addition [2] - 42:15, 58:5</p> <p>additional [4] - 21:18, 34:8, 88:9, 112:14</p> <p>additions [1] - 79:5</p> <p>address [23] - 24:21, 24:22, 31:21, 38:20, 43:18, 43:19, 43:20, 44:13, 58:4, 58:6, 73:21, 77:3, 81:17, 81:19, 82:10, 89:20, 106:14, 115:1, 130:7, 133:23, 141:9, 142:7, 146:5</p> <p>addressed [16] - 29:6, 31:22, 45:9, 45:11, 45:17, 46:20, 57:1, 59:17, 76:13, 79:13, 81:7, 121:8, 121:14, 123:5, 127:19, 131:10</p> <p>addresses [3] - 48:14, 66:3, 121:16</p> <p>addressing [4] - 59:14, 60:6, 60:12, 70:19</p> <p>adequately [3] - 47:9, 61:12, 68:7</p> <p>adjourn [1] - 146:10</p> <p>adjourned [2] - 89:12, 146:15</p> <p>adjusted [2] - 145:20, 145:21</p> <p>adjustment [1] - 22:21</p> <p>admission [6] - 99:16, 99:22, 100:15, 102:21, 107:15, 113:8</p> <p>admissions [1] - 73:16</p> <p>admit [2] - 96:12</p> <p>adopt [1] - 99:14</p> <p>adopts [2] - 63:8, 65:23</p> <p>advance [4] - 68:3, 124:19, 125:16, 125:22</p> <p>advantage [1] - 3:17</p> <p>advise [2] - 34:17, 74:13</p> <p>affect [2] - 15:6, 97:1</p>	<p>affected [1] - 3:23</p> <p>affirm [1] - 78:21</p> <p>afternoon [4] - 82:14, 89:6, 89:17, 136:7</p> <p>agency [1] - 87:14</p> <p>agenda [4] - 41:16, 43:18, 128:1, 143:23</p> <p>agent [2] - 84:7, 98:14</p> <p>agents [5] - 56:13, 83:17, 83:22, 84:2, 84:15</p> <p>aggressive [2] - 13:14, 36:9</p> <p>ago [7] - 11:15, 22:23, 34:10, 36:19, 71:14, 91:20, 139:16</p> <p>agree [42] - 12:18, 13:15, 15:8, 23:11, 24:15, 28:24, 40:13, 40:16, 40:20, 46:5, 58:8, 62:1, 66:8, 78:24, 81:7, 81:16, 86:2, 93:21, 98:12, 100:15, 104:9, 104:14, 105:21, 107:15, 111:8, 111:15, 112:2, 112:20, 113:17, 113:25, 120:22, 123:16, 124:25, 125:2, 125:3, 125:11, 125:17, 129:10, 130:16, 143:3, 143:6</p> <p>agreed [17] - 25:13, 62:10, 63:15, 68:25, 77:15, 82:23, 82:24, 86:15, 87:16, 95:5, 95:6, 112:2, 112:4, 113:3, 136:13, 143:20, 145:10</p> <p>agreed-to [1] - 136:13</p> <p>agreed-to-be-deposed [1] - 113:3</p> <p>agreeing [2] - 66:21, 98:9</p> <p>agreement [10] - 27:7, 49:17, 77:23, 92:17, 92:22, 110:23, 114:24, 124:16, 125:21, 130:10</p> <p>agreements [1] - 48:15</p> <p>agrees [5] - 90:25, 92:15, 104:10, 104:11, 127:25</p> <p>ahead [11] - 81:10, 81:11, 82:7, 91:17, 109:13, 125:19, 126:5, 129:17,</p>	<p>131:3, 131:8</p> <p>aided [1] - 1:24</p> <p>Aikens [1] - 10:6</p> <p>AIKENS [1] - 10:6</p> <p>Air [1] - 38:4</p> <p>airing [1] - 13:7</p> <p>Airline [1] - 38:2</p> <p>Alcus [1] - 8:9</p> <p>ALCUS [1] - 8:9</p> <p>alert [1] - 120:1</p> <p>ALEXIA [1] - 2:21</p> <p>Alexia [1] - 82:6</p> <p>ALFANO [1] - 2:23</p> <p>align [1] - 140:18</p> <p>ALL [1] - 3:1</p> <p>alleged [2] - 85:10, 144:22</p> <p>alleging [1] - 73:14</p> <p>alleviates [1] - 111:21</p> <p>allocate [1] - 39:23</p> <p>allocated [1] - 31:7</p> <p>allotted [1] - 128:23</p> <p>allow [5] - 23:13, 44:15, 81:7, 97:8, 110:25</p> <p>allowed [3] - 29:11, 54:18, 145:15</p> <p>allowing [1] - 59:21</p> <p>almost [1] - 34:10</p> <p>alternative [1] - 109:16</p> <p>alternatives [1] - 124:13</p> <p>ambiguity [2] - 71:25, 78:1</p> <p>ambiguous [1] - 70:11</p> <p>ambitious [1] - 129:8</p> <p>amend [3] - 42:19, 42:22, 43:2</p> <p>amended [7] - 4:10, 15:5, 34:12, 50:10, 50:15, 56:22, 62:7</p> <p>Amended [6] - 42:8, 42:10, 42:12, 42:13, 42:17, 43:13</p> <p>amendment [6] - 33:23, 34:11, 35:7, 36:20, 42:24, 123:1</p> <p>amendments [4] - 4:14, 35:8, 43:3, 43:4</p> <p>American [1] - 133:17</p> <p>AmerisourceBergen [1] - 141:18</p> <p>amount [2] - 21:20, 29:12</p> <p>analysis [1] - 55:3</p> <p>animals [1] - 71:3</p> <p>announcement [1] - 106:10</p>	<p>annual [1] - 39:19</p> <p>answer [11] - 55:9, 84:22, 86:6, 86:9, 87:20, 98:6, 99:5, 104:17, 105:8, 107:8, 142:23</p> <p>answered [2] - 54:14, 73:4</p> <p>anticipate [4] - 5:21, 13:25, 23:20, 39:13</p> <p>anticipating [1] - 15:4</p> <p>Antitrust [4] - 37:20, 38:2, 38:6, 38:9</p> <p>antitrust [1] - 33:19</p> <p>anyway [5] - 22:6, 24:18, 91:4, 135:21, 139:22</p> <p>APA [1] - 51:15</p> <p>apart [1] - 128:12</p> <p>API [22] - 21:9, 48:9, 50:23, 51:16, 52:4, 53:4, 53:14, 54:12, 54:22, 56:14, 56:16, 63:5, 67:8, 72:5, 83:9, 83:21, 83:23, 85:9, 85:14, 85:20, 86:19, 86:25</p> <p>apiece [1] - 11:13</p> <p>apologize [2] - 51:1, 139:1</p> <p>apparent [1] - 36:12</p> <p>appear [6] - 93:4, 94:7, 94:9, 94:11, 136:14, 136:24</p> <p>appearance [1] - 100:13</p> <p>Appendix [1] - 36:3</p> <p>applicability [1] - 129:2</p> <p>applicable [4] - 60:22, 60:23, 101:7, 103:20</p> <p>application [5] - 69:19, 112:22, 114:1, 116:19, 121:12</p> <p>applications [1] - 67:7</p> <p>applied [5] - 48:23, 49:15, 49:19, 64:15, 64:18</p> <p>applies [3] - 51:23, 63:7, 107:23</p> <p>apply [7] - 47:11, 48:25, 77:7, 101:5, 103:4, 113:23, 116:4</p> <p>appoint [3] - 26:4, 30:24, 31:20</p> <p>appointed [4] - 34:4, 36:11, 37:9, 38:1</p> <p>appointing [1] - 36:13</p> <p>appointment [3] -</p>
--	--	---	---	---

<p>27:18, 31:16, 36:16 appreciate [8] - 6:9, 7:14, 11:19, 42:6, 43:20, 88:1, 119:13, 124:6 approach [5] - 4:13, 42:7, 43:21, 44:22, 103:23 appropriate [23] - 14:5, 25:3, 43:9, 43:10, 46:10, 59:22, 61:11, 62:23, 65:6, 66:16, 78:25, 79:4, 96:5, 102:5, 102:6, 113:1, 113:23, 113:24, 121:13, 127:6, 128:13, 138:8, 138:21 appropriately [1] - 67:19 approval [3] - 92:11, 92:18, 116:5 approve [2] - 34:24, 35:4 approved [3] - 35:1, 35:11, 36:15 approving [1] - 128:22 April [2] - 14:6, 135:17 arbitrary [1] - 130:2 area [4] - 65:5, 87:17, 88:23, 106:24 argue [5] - 30:5, 56:5, 57:20, 98:18, 145:24 argued [1] - 144:5 arguing [2] - 59:24, 130:2 argument [9] - 62:14, 72:13, 95:14, 95:16, 99:18, 127:10, 136:4, 141:1, 144:12 arm [2] - 53:5, 54:12 Article [2] - 37:1, 37:4 aside [7] - 11:18, 12:1, 12:5, 20:13, 24:5, 29:20, 98:17 aspect [1] - 72:19 assembly [1] - 53:17 assert [4] - 101:18, 102:15, 104:7, 107:10 asserted [1] - 103:21 assigned [2] - 27:21, 29:25 assist [3] - 26:4, 27:22, 107:4 assistance [1] - 27:3 associated [1] - 47:20 assume [7] - 6:17, 10:25, 18:11, 33:3, 50:10, 81:18, 110:6</p>	<p>assurance [1] - 53:24 assured [2] - 119:8, 123:4 Atlanta [1] - 2:11 attached [2] - 49:25, 50:4 attempt [1] - 142:10 attention [1] - 39:11 attribute [1] - 59:23 attributes [1] - 36:25 August [8] - 14:23, 16:21, 16:22, 17:1, 17:2, 18:12, 137:6, 141:19 Aurobindo [6] - 2:16, 45:6, 45:8, 79:19, 79:22, 80:3 Aurolife [1] - 2:16 Aurrobindo [1] - 2:16 authority [4] - 4:22, 4:23, 23:10, 93:3 authorized [1] - 32:21 authorizing [1] - 36:25 Automotive [1] - 38:9 availability [3] - 27:22, 29:13, 32:12 available [4] - 14:20, 16:15, 31:22, 33:13 Avenue [1] - 2:21 avoid [3] - 42:17, 119:18, 129:25 awaiting [1] - 33:7 aware [5] - 8:15, 20:24, 28:23, 81:12, 131:18 awhile [1] - 24:17</p>	<p>Battle [1] - 8:8 BATTLE [1] - 8:8 Baylen [1] - 1:18 bear [1] - 113:17 become [1] - 130:3 becomes [1] - 113:21 bed [5] - 57:8, 57:12, 100:10, 102:23, 143:5 beforehand [1] - 124:22 begged [1] - 71:14 begin [3] - 5:15, 15:3, 50:24 beginning [11] - 16:11, 16:12, 16:22, 17:1, 26:9, 34:1, 46:3, 75:1, 114:10, 116:23, 139:18 begins [4] - 8:21, 9:15, 50:22, 50:23 behalf [10] - 8:18, 10:13, 17:16, 25:18, 77:17, 80:11, 82:6, 110:2, 131:19, 141:18 behind [1] - 143:8 Behram [2] - 136:8, 139:9 Belcuore [1] - 9:10 BELCUORE [1] - 9:10 believes [2] - 78:16, 96:9 Bell [1] - 2:15 bell [1] - 23:14 bellwether [19] - 7:6, 7:7, 15:7, 15:12, 15:17, 19:7, 19:9, 19:10, 19:11, 19:15, 19:17, 19:22, 22:6, 22:17, 23:18, 23:24 bellwethers [3] - 21:25, 23:21 belong [2] - 4:25, 97:14 belongs [2] - 7:12, 137:13 beneficial [1] - 90:12 benefit [3] - 30:16, 77:11, 103:12 benefits [1] - 134:17 Benicar [3] - 126:10, 126:21, 127:8 best [8] - 19:15, 26:6, 43:21, 81:25, 91:7, 107:20, 130:24, 145:2 bet [1] - 39:6 better [8] - 14:13, 25:24, 25:25, 81:24,</p>	<p>105:15, 107:24, 126:20, 127:7 Betty [1] - 10:7 between [11] - 17:21, 30:14, 39:23, 70:5, 85:10, 87:3, 90:10, 91:23, 94:13, 96:16, 97:16 beyond [5] - 44:16, 49:2, 78:16, 120:8, 131:16 bias [1] - 40:24 biding [1] - 113:5 big [6] - 7:7, 43:25, 55:10, 63:13, 73:19, 116:22 big-picture [1] - 73:19 billions [1] - 39:19 Bird [1] - 10:4 BIRD [1] - 10:4 bit [11] - 17:5, 17:6, 54:17, 67:4, 82:9, 97:15, 101:2, 108:6, 112:6, 115:5, 142:12 bite [1] - 89:1 black [1] - 56:19 blah [10] - 75:22, 75:23, 103:4, 113:9 block [2] - 112:3, 114:25 Blue [1] - 2:15 body [1] - 34:13 BOSICK [1] - 2:23 box [3] - 63:13, 63:14, 66:13 Brancato [1] - 82:6 BRANCATO [3] - 2:21, 82:5, 82:11 brand [1] - 6:14 brand-new [1] - 6:14 Breach [1] - 37:22 breach [1] - 32:19 breached [1] - 141:13 breaches [1] - 122:23 break [8] - 37:5, 41:17, 41:24, 41:25, 88:24, 110:23, 111:23, 112:18 brief [9] - 29:22, 97:20, 104:4, 106:20, 107:5, 110:12, 134:24, 135:6, 140:6 briefed [3] - 94:25, 113:6, 144:5 briefing [9] - 31:13, 43:9, 74:12, 95:1, 95:17, 99:20, 143:3, 143:6, 143:12 briefs [2] - 43:10,</p>	<p>143:4 bright [1] - 130:5 bring [2] - 30:11, 121:23 broad [3] - 61:14, 66:3, 67:8 broader [2] - 67:5, 142:14 broke [1] - 82:9 budget [3] - 32:22, 34:18, 39:9 budgets [1] - 39:7 build [1] - 17:17 bunch [1] - 126:13 burden [9] - 31:10, 31:11, 69:15, 74:7, 77:25, 97:3, 104:21, 105:23, 107:3 burner [1] - 23:4 business [10] - 6:3, 6:5, 6:6, 75:4, 75:24, 76:20, 77:6, 77:22, 78:10, 130:14 buy [1] - 6:8 Buy [2] - 33:17, 36:14 buying [3] - 119:5, 123:8, 127:12 BY [10] - 1:12, 1:15, 1:18, 2:3, 2:6, 2:9, 2:14, 2:18, 2:21, 2:24</p>
C				
<p>C-A-R-M-L-E-Y [1] - 9:12 C12 [3] - 110:1, 110:11, 115:14 C15 [2] - 115:19, 116:21 C19 [1] - 120:6 CALL [1] - 42:3 Camber [3] - 81:13, 81:16, 81:21 Cambron [1] - 10:6 CAMBRON [1] - 10:6 Camden [3] - 6:12, 32:13, 32:21 Camp [1] - 2:3 cancer [2] - 13:12, 71:3 cancers [2] - 13:16, 13:25 cannot [5] - 11:19, 12:21, 29:24, 31:21, 125:17 capable [1] - 135:20 capacity [1] - 117:23 Care [1] - 37:18 care [5] - 42:2, 57:22,</p>				

<p>67:17, 79:8, 88:1 career^[1] - 32:17 Carmley^[1] - 9:11 carried^[1] - 7:24 carries^[1] - 28:22 carry^[2] - 8:3, 29:20 carrying^[1] - 8:6 case^[99] - 4:7, 6:22, 7:2, 7:12, 9:3, 11:9, 11:17, 11:22, 12:15, 13:4, 13:9, 13:10, 13:19, 17:6, 18:3, 20:23, 22:20, 26:6, 26:7, 26:9, 27:2, 27:4, 27:9, 28:24, 29:1, 29:3, 29:7, 32:18, 33:18, 33:19, 33:22, 35:15, 35:20, 35:21, 35:24, 36:1, 36:3, 36:6, 36:7, 36:8, 36:10, 36:14, 36:18, 37:10, 37:13, 37:15, 37:16, 37:18, 37:22, 38:2, 38:6, 38:8, 38:20, 39:6, 39:14, 42:11, 42:25, 43:15, 47:15, 47:17, 53:12, 55:10, 55:22, 59:2, 59:7, 59:25, 61:2, 62:18, 66:25, 69:21, 70:6, 71:5, 73:1, 73:18, 74:22, 79:2, 93:14, 93:16, 95:25, 97:2, 97:9, 100:3, 100:5, 102:4, 104:21, 113:19, 118:19, 118:21, 120:16, 120:24, 121:5, 122:24, 123:8, 127:10, 127:11, 137:14, 144:15 caseloads^[1] - 29:19 cases^[42] - 4:23, 4:24, 5:20, 6:20, 8:14, 9:2, 9:15, 10:24, 11:1, 11:5, 15:10, 15:14, 19:7, 19:8, 19:12, 23:18, 23:20, 23:21, 23:23, 23:25, 24:17, 31:23, 33:7, 33:10, 33:16, 36:21, 37:7, 37:11, 37:14, 37:19, 37:21, 38:3, 38:4, 38:12, 38:13, 38:14, 38:15, 39:10, 39:11, 139:11 cast^[1] - 20:13 catch^[1] - 6:21 categories^[2] - 49:8,</p>	<p>66:4 category^[1] - 67:9 causation^[14] - 12:10, 12:12, 12:21, 13:7, 14:7, 14:9, 14:14, 14:18, 14:19, 17:18, 26:9, 31:6, 71:6, 135:16 caused^[2] - 13:17, 14:1 causes^[1] - 109:11 caveat^[4] - 51:22, 69:17, 113:2, 113:3 Centre^[1] - 2:24 certain^[10] - 36:4, 49:8, 61:10, 68:1, 73:24, 111:15, 118:19, 123:24, 140:23, 142:12 certainly^[28] - 5:4, 15:11, 16:4, 16:25, 29:8, 31:16, 35:17, 44:13, 45:12, 61:2, 66:19, 85:25, 87:15, 95:25, 98:11, 98:13, 101:6, 105:12, 105:21, 111:13, 112:1, 114:16, 121:21, 127:9, 129:24, 134:14, 139:10, 145:23 certification^[10] - 12:16, 12:19, 12:23, 12:25, 13:4, 13:5, 15:3, 30:10, 31:6, 135:16 certified^[1] - 32:6 cetera^[12] - 30:7, 32:4, 34:20, 53:17, 53:24, 54:2, 64:13, 66:10, 98:15, 100:18 CFR^[1] - 139:12 CGMP^[4] - 65:10, 65:11, 66:2, 67:16 CGMPs^[8] - 61:7, 61:8, 61:16, 61:19, 64:18, 65:7, 67:7, 67:9 Chain^[2] - 140:23, 142:19 chain^[6] - 20:6, 20:24, 32:8, 81:2, 81:8 chair^[1] - 34:16 challenge^[2] - 18:25, 124:11 Chance^[1] - 7:19 chance^[6] - 19:17, 42:9, 74:11, 83:4, 119:15, 124:15 change^[8] - 4:4,</p>	<p>10:16, 32:25, 34:23, 35:9, 36:12, 36:14, 100:1 changed^[1] - 87:8 changes^[7] - 8:23, 9:18, 9:19, 10:10, 10:12, 35:3, 117:17 changing^[1] - 33:24 characterization^[1] - 70:3 characterize^[1] - 38:17 charged^[1] - 39:5 Charleston^[1] - 9:8 chart^[4] - 91:12, 96:18, 109:25, 119:22 chemical^[1] - 55:3 chemicals^[1] - 73:14 chew^[1] - 42:6 chief^[1] - 34:14 Chief^[2] - 34:15, 35:5 chime^[2] - 132:19, 137:2 China^[21] - 54:3, 58:21, 90:24, 92:12, 92:16, 92:18, 92:20, 93:2, 93:3, 98:22, 104:16, 113:8, 115:21, 117:2, 117:3, 117:4, 117:5, 117:10, 119:3, 135:1 Chinese^[52] - 90:11, 90:16, 90:20, 91:3, 91:12, 92:11, 92:14, 92:15, 92:19, 93:15, 93:16, 94:16, 97:3, 101:3, 101:11, 101:12, 101:16, 101:18, 101:19, 101:22, 103:3, 103:19, 105:5, 105:23, 106:19, 107:3, 107:11, 108:19, 108:21, 108:23, 108:25, 109:20, 111:13, 115:20, 117:7, 117:8, 117:22, 118:4, 120:9, 120:18, 121:3, 121:6, 122:3, 122:4, 123:17, 123:19, 127:16, 127:17, 127:19 choice^[1] - 40:15 choose^[7] - 15:12, 100:3, 100:6, 109:10, 125:4, 125:5, 125:6</p>	<p>chose^[1] - 124:5 chosen^[2] - 99:9, 101:9 Christmas^[2] - 129:11, 129:12 chunks^[2] - 110:25, 111:21 CIPRIANI^[1] - 2:14 circuit^[2] - 34:15 Circuit^[4] - 35:14, 36:3, 36:12, 36:15 circumstances^[4] - 68:6, 69:21, 118:15, 146:12 cite^[3] - 33:17, 36:1, 39:2 citizen^[1] - 94:16 CIVIL^[1] - 1:3 Civil^[2] - 101:4, 101:11 civil^[7] - 5:17, 5:20, 32:18, 33:10, 34:19, 121:11 civility^[1] - 121:17 civilly^[1] - 123:3 claim^[1] - 140:9 claims^[1] - 32:6 clarification^[2] - 58:4, 79:1 clarify^[3] - 16:3, 69:7, 87:22 clarity^[1] - 70:14 class^[21] - 4:10, 12:15, 12:19, 12:22, 12:23, 12:25, 13:2, 13:3, 13:5, 15:3, 15:5, 30:10, 31:6, 32:2, 32:3, 32:5, 36:5, 38:13, 132:16, 133:11, 135:16 classes^[3] - 32:1, 94:6, 94:8 clear^[25] - 4:21, 5:5, 16:7, 20:1, 38:19, 51:2, 56:24, 57:8, 58:5, 58:10, 71:21, 72:24, 73:15, 74:8, 83:25, 87:24, 94:15, 101:18, 102:2, 104:21, 117:15, 126:6, 138:24, 139:10, 144:24 cleared^[2] - 26:11, 26:13 clearly^[5] - 33:13, 33:14, 35:11, 52:2, 59:1 clerk^[1] - 37:6 client^[1] - 90:24 client's^[1] - 69:23</p>	<p>client-specific^[1] - 90:24 clients^[3] - 5:23, 39:5, 130:12 clock^[2] - 22:3, 22:5 close^[2] - 74:22, 109:3 closed^[2] - 25:10, 37:21 closely^[1] - 28:23 closure^[1] - 36:6 closure-related^[1] - 36:6 coast^[1] - 110:16 coffee^[1] - 3:15 cogent^[1] - 31:15 Cohen^[1] - 7:25 Cohen's^[3] - 4:18, 7:18, 46:8 colleague^[1] - 46:12 colleagues^[1] - 16:4 collective^[1] - 39:13 collectively^[1] - 39:5 color^[1] - 20:23 combined^[1] - 59:17 comfort^[1] - 76:7 comfortable^[2] - 105:13, 144:11 coming^[4] - 53:11, 53:24, 55:1, 55:11 Commencing^[1] - 1:7 comment^[5] - 47:2, 88:15, 98:23, 120:17, 122:7 commentary^[2] - 33:23, 34:5 comments^[6] - 31:15, 46:20, 121:3, 121:5, 122:3, 122:6 commercial^[1] - 137:12 commitment^[3] - 134:7, 134:8, 134:11 committee^[3] - 34:19, 34:23, 143:19 committees^[2] - 34:17, 34:21 common^[1] - 44:25 communicated^[1] - 28:13 communications^[1] - 81:15 companies^[4] - 54:4, 55:5, 75:15, 79:11 Company^[1] - 35:14 company^[9] - 84:10, 84:20, 84:22, 84:23, 86:3, 86:5, 86:7, 87:16, 94:1 compel^[3] - 103:24,</p>
--	---	--	---	---

<p>111:17, 139:24 compelling [3] - 28:2, 28:3, 28:17 competent [1] - 80:24 complacency [1] - 29:11 Complaint [9] - 4:10, 15:5, 42:8, 42:10, 42:12, 42:13, 42:18, 42:19, 43:13 complaints [1] - 32:1 Complaints [3] - 26:12, 26:13, 42:17 complete [12] - 14:17, 14:21, 17:10, 21:6, 26:14, 28:12, 35:16, 70:14, 137:19, 138:18, 139:7, 139:8 completed [6] - 19:13, 20:16, 20:18, 21:13, 21:16, 45:19 completely [2] - 68:18, 122:19 completing [3] - 14:6, 26:16, 26:18 complex [8] - 29:1, 29:2, 31:23, 33:8, 34:9, 36:7, 37:8, 38:18 complexities [1] - 68:5 complexity [1] - 30:6 complicated [2] - 103:9, 107:11 comply [1] - 139:20 composed [1] - 34:14 comprehensive [1] - 50:4 compromise [2] - 96:16, 110:13 computer [1] - 1:24 computer-aided [1] - 1:24 concede [1] - 96:6 conceded [2] - 87:4, 87:22 concedes [1] - 103:9 concentration [2] - 72:6, 72:9 concept [2] - 110:23, 112:2 conceptualize [1] - 7:5 concern [5] - 57:2, 102:3, 102:4, 124:6 concerned [3] - 105:24, 110:3, 144:21 concerning [1] - 36:21 concerns [4] - 90:22,</p>	<p>98:2, 99:12, 111:22 concisely [1] - 140:25 conclude [1] - 128:5 condition [1] - 27:18 conditioned [1] - 29:18 conditions [1] - 118:17 conduct [4] - 4:5, 4:22, 101:6, 121:11 conducted [3] - 92:17, 110:25, 114:9 confer [25] - 23:12, 52:16, 56:25, 64:7, 64:16, 64:24, 68:14, 68:16, 68:20, 68:25, 69:5, 69:9, 71:15, 80:17, 98:3, 105:4, 106:7, 127:20, 133:21, 136:19, 140:18, 141:23, 142:7, 143:2 conference [4] - 8:5, 9:3, 28:19, 29:15 CONFERENCE [1] - 1:5 Conference [5] - 32:20, 34:13, 34:17, 34:24, 35:18 conferences [2] - 4:5, 29:17 conferrals [1] - 80:15 conferring [2] - 81:15, 136:20 confers [3] - 70:5, 128:19, 134:21 confident [3] - 18:22, 39:8, 122:18 confidentiality [1] - 138:3 confirm [2] - 78:15, 85:25 confirmatory [2] - 68:24, 69:1 confirmed [1] - 82:22 conflict [1] - 40:24 confronted [1] - 4:12 confusion [2] - 58:11, 77:11 congestion [1] - 35:20 Congress [4] - 33:20, 35:5 connection [7] - 67:7, 90:3, 95:7, 95:10, 98:10, 126:12, 136:6 Connection [1] - 111:18 connectivity [1] - 114:13 consecutive [1] -</p>	<p>114:19 consent [4] - 4:24, 42:23, 65:1, 138:1 consequences [2] - 52:14, 98:9 consider [1] - 95:21 consideration [2] - 39:15, 145:22 conspiracy [1] - 38:3 constant [1] - 30:15 constitutional [1] - 36:24 constructive [1] - 63:4 contacted [1] - 8:13 contain [1] - 123:12 contained [1] - 137:8 containing [1] - 54:20 contains [1] - 121:17 contaminants [1] - 13:18 contaminated [9] - 58:25, 59:7, 59:8, 63:4, 71:2, 71:7, 71:11, 71:12, 71:17 contamination [2] - 49:9, 49:11, 52:21, 53:13, 53:23, 54:6, 55:12, 66:11, 70:3, 70:9, 70:15, 70:17, 70:20, 72:4, 72:9, 72:20, 72:22, 73:3, 83:21, 85:10, 87:5 contemplate [2] - 18:23, 19:7 contemplated [1] - 145:8 contemporaneous [1] - 18:11 contend [1] - 109:19 contention [1] - 105:10 contents [2] - 56:14, 83:23 contest [1] - 84:8 contested [1] - 35:23 context [5] - 39:3, 62:6, 63:6, 105:3, 137:21 continue [8] - 9:24, 23:16, 36:11, 48:3, 48:19, 51:5, 51:6, 115:15 CONTINUED [1] - 2:1 continued [4] - 6:11, 23:4, 58:11, 85:3 continuing [1] - 80:17 continuity [3] - 29:22, 31:1, 31:10 contracting [1] - 118:6</p>	<p>contrary [1] - 53:9 control [10] - 54:19, 75:3, 75:23, 77:5, 77:22, 78:5, 78:9, 78:23, 79:3, 122:14 controls [3] - 57:10, 57:24, 61:1 controversial [3] - 111:8, 120:21, 122:2 controversy [1] - 76:24 convenient [3] - 3:16, 111:9, 111:10 Convention [3] - 101:10, 128:15, 129:3 cooperation [1] - 63:23 cooperatively [1] - 129:25 coordinate [1] - 140:13 copies [8] - 138:5, 138:15, 138:19, 138:21, 139:3, 139:7, 139:8 copy [2] - 42:24, 60:25 core [1] - 92:13 Corp [1] - 104:20 corporate [13] - 39:8, 44:15, 44:16, 47:9, 61:12, 71:18, 76:15, 77:17, 95:4, 131:13, 131:15, 133:11, 134:16 corporations [1] - 39:18 correct [2] - 8:16, 11:4, 12:20, 17:11, 20:19, 20:21, 22:18, 24:24, 24:25, 47:9, 51:9, 51:24, 53:1, 57:25, 58:8, 75:25, 78:12, 80:4, 82:11, 138:14, 139:4 correctly [4] - 16:9, 78:11, 82:8, 141:12 correspondence [2] - 61:20, 63:19 cost [10] - 28:4, 31:11, 38:21, 38:23, 39:9, 39:20, 104:18, 113:13, 113:15, 113:17 costs [6] - 39:13, 39:16, 39:23, 113:20, 113:23, 113:25 counsel [52] - 4:9, 8:14, 9:1, 12:14,</p>	<p>12:18, 13:8, 24:8, 24:20, 25:12, 39:9, 40:5, 41:23, 43:20, 45:16, 50:16, 51:5, 52:17, 53:1, 56:18, 57:19, 62:13, 63:17, 67:10, 68:17, 70:23, 74:25, 79:20, 80:9, 80:16, 80:17, 81:1, 81:3, 83:5, 98:2, 98:16, 101:7, 107:4, 109:13, 109:25, 110:11, 118:14, 121:10, 121:11, 122:2, 122:11, 123:7, 124:2, 124:3, 125:14, 125:24, 125:25, 126:4 Counsel [4] - 51:6, 84:19, 140:4, 146:6 count [3] - 124:22, 127:5, 145:16 counted [1] - 126:7 countries [2] - 108:23, 109:21 countries' [1] - 120:10 country [10] - 5:12, 7:4, 39:12, 92:16, 95:20, 97:5, 118:15, 119:24, 122:22 couple [6] - 11:15, 16:2, 16:3, 22:22, 45:13, 98:2 course [32] - 13:6, 18:9, 26:25, 28:14, 29:6, 40:1, 65:12, 70:6, 73:6, 75:4, 75:23, 76:5, 76:10, 76:20, 77:6, 77:22, 78:10, 88:13, 93:9, 95:3, 109:12, 109:18, 114:10, 116:24, 116:25, 118:9, 125:17, 130:18, 137:7, 140:15, 143:2 Court [21] - 1:22, 7:10, 33:17, 35:2, 35:3, 35:12, 36:4, 36:14, 46:18, 88:7, 88:8, 93:7, 94:3, 94:15, 116:11, 117:15, 118:16, 118:19, 119:15, 139:21, 141:1 COURT [1] - 1:1 court [1] - 11:5 Court's [12] - 11:6, 23:13, 28:11, 47:24, 60:11, 67:18,</p>
---	---	---	--	--

<p>100:11, 100:19, 127:14, 137:7, 144:8, 146:4 Court-ordered [2] - 88:8, 93:7 courthouse [1] - 18:22 Courts [2] - 34:3, 117:12 courts [8] - 5:24, 6:5, 6:6, 6:19, 25:10, 28:20, 34:8, 35:20 cover [3] - 86:19, 90:19, 117:25 coverage [1] - 19:14 covered [3] - 79:25, 84:16, 119:22 covers [2] - 86:13, 121:21 COVID [9] - 5:13, 7:10, 27:20, 29:20, 33:14, 68:6, 109:18, 111:19, 117:4 COVID-19 [6] - 116:24, 117:14, 117:16, 118:2, 118:7, 118:11 COVID-induced [1] - 7:10 cracking [3] - 133:15, 135:12, 135:19 cracks [1] - 141:6 cranking [1] - 12:17 create [1] - 53:8 creation [1] - 33:21 criminal [9] - 5:15, 5:20, 6:20, 28:19, 28:22, 33:7, 34:20, 92:20, 106:22 critical [5] - 4:17, 4:18, 29:4, 35:20, 36:21 cross [6] - 19:2, 22:8, 27:12, 64:22, 85:24, 120:15 cross-examined [1] - 19:2 cross- representatives [1] - 27:12 culture [3] - 120:10, 120:19, 122:4 cure [1] - 35:19 current [5] - 5:14, 32:12, 63:2, 68:2, 78:13 custody [10] - 5:16, 54:19, 75:3, 77:3, 77:5, 77:21, 78:5, 78:9, 78:23, 79:3</p>	<p>customer [1] - 84:7 Customer [1] - 37:22 customers [1] - 84:5 customs [1] - 122:21 cut [5] - 45:1, 54:8, 67:11, 90:1, 144:10 cutting [1] - 73:11</p> <p>D</p> <p>D17 [1] - 119:25 D18 [1] - 120:1 damage [2] - 71:6, 122:14 Dan [1] - 9:8 Daniel [2] - 19:6, 21:22 DANIEL [1] - 1:18 Danny [1] - 9:9 data [5] - 81:24, 81:25, 140:23, 142:12, 142:13 Data [1] - 37:22 date [8] - 14:13, 21:4, 43:7, 43:13, 53:22, 88:7, 132:5, 140:17 dated [1] - 47:24 dates [15] - 5:2, 14:14, 14:19, 16:2, 16:15, 17:23, 40:9, 43:14, 132:19, 132:22, 132:24, 133:3, 133:8, 133:10, 133:13 Daubert [14] - 12:12, 12:19, 12:24, 14:22, 14:25, 15:1, 16:20, 16:23, 17:8, 17:9, 18:9, 18:13, 18:25, 31:6 David [5] - 8:12, 9:5, 9:23, 10:15, 140:5 DAVID [1] - 1:15 days [32] - 17:21, 17:24, 18:2, 18:8, 19:23, 19:24, 21:3, 21:4, 21:7, 35:6, 35:9, 68:3, 68:8, 68:10, 68:17, 68:19, 69:4, 69:15, 69:17, 69:18, 69:20, 99:8, 99:9, 114:19, 117:9, 117:10, 117:11, 118:6, 119:3, 119:4, 124:19, 125:22 deadline [2] - 16:7, 16:13 deadlines [3] - 13:11, 16:6, 23:16 deal [22] - 15:6, 23:2,</p>	<p>43:25, 44:7, 44:20, 45:1, 45:2, 46:5, 73:19, 74:2, 74:3, 79:24, 89:10, 89:11, 90:1, 114:2, 119:1, 119:4, 127:6, 128:16, 136:1 dealerships [1] - 38:11 dealing [5] - 4:11, 46:15, 111:22, 112:7, 141:15 deals [1] - 49:6 dealt [3] - 46:15, 87:18, 88:5 debacle [1] - 3:12 debate [2] - 124:12, 124:20 decade [2] - 33:20, 35:16 decades [1] - 34:7 December [22] - 9:3, 9:14, 10:8, 10:18, 24:14, 40:22, 101:24, 101:25, 102:2, 104:24, 106:12, 128:9, 128:10, 129:8, 129:11, 130:9, 131:10, 131:14, 131:25, 133:10, 143:5, 143:9 decide [10] - 12:19, 13:1, 13:3, 19:3, 43:10, 89:5, 108:9, 130:20, 138:7, 139:25 decided [7] - 32:10, 33:19, 33:22, 36:14, 82:16, 95:13, 103:6 decides [2] - 35:3, 119:2 deciding [1] - 30:6 decision [2] - 28:10, 86:24 decisions [5] - 4:6, 12:19, 43:1, 65:6, 132:13 decline [1] - 139:13 deemed [1] - 121:5 deep [1] - 102:12 default [2] - 112:20, 114:9 Defendant [5] - 2:8, 2:16, 2:19, 2:22, 2:25 defendant [34] - 20:3, 20:5, 20:11, 20:16, 20:20, 20:25, 21:2, 21:6, 21:13, 21:19,</p>	<p>21:21, 22:15, 24:23, 25:17, 26:20, 27:11, 33:16, 37:11, 37:19, 37:21, 37:23, 38:13, 45:12, 47:8, 51:17, 60:22, 70:6, 71:12, 74:5, 93:9, 94:2, 95:5, 130:4, 140:9 defendants [85] - 5:16, 8:2, 8:22, 8:24, 9:19, 9:24, 10:9, 10:12, 11:4, 12:20, 14:3, 15:8, 17:16, 19:11, 19:14, 19:21, 20:25, 21:9, 21:17, 21:24, 22:8, 23:11, 24:9, 25:19, 25:21, 26:16, 26:18, 32:7, 33:7, 35:13, 36:1, 38:21, 39:2, 39:4, 39:7, 39:8, 39:18, 41:8, 44:4, 44:14, 46:24, 48:20, 49:17, 49:20, 51:4, 54:20, 56:8, 57:16, 60:9, 60:14, 63:24, 64:6, 64:9, 64:13, 64:24, 68:6, 68:21, 68:25, 70:5, 71:17, 73:24, 80:6, 83:3, 91:10, 91:13, 92:4, 92:6, 108:19, 113:16, 124:7, 129:5, 129:21, 131:11, 132:11, 133:21, 134:10, 135:3, 136:10, 136:12, 136:16, 136:20, 137:8, 138:14, 140:22 Defendants [1] - 2:12 defendants' [2] - 11:8, 13:10, 14:18, 17:8, 17:10, 18:3, 26:3, 27:17, 39:22, 50:5, 68:4, 72:20, 73:13, 91:11, 91:15, 91:22, 108:18, 112:13, 112:25, 140:13, 140:22 defense [23] - 4:9, 8:3, 12:18, 16:10, 16:14, 16:15, 16:19, 18:10, 20:2, 20:9, 20:10, 23:6, 39:13, 39:24, 40:5, 45:16, 74:24, 94:22, 95:2, 110:22, 125:14, 127:23, 133:12 Defense [1] - 2:8 deficiencies [4] -</p>	<p>7:17, 135:24, 140:8, 142:1 deficiency [1] - 43:24 defines [1] - 51:15 definition [2] - 51:20, 56:12 deflected [1] - 55:6 degree [1] - 115:19 Delaware [2] - 36:17, 36:19 delay [6] - 28:4, 31:11, 38:25, 91:6, 118:9, 131:5 delightful [1] - 82:12 delineate [1] - 66:4 delineating [1] - 13:16 demonstrate [2] - 11:25, 12:21 demonstrated [1] - 85:15 denied [2] - 36:4, 71:22 denote [1] - 63:10 deponents [2] - 94:14, 129:19 depose [11] - 16:19, 44:16, 92:11, 93:1, 93:25, 116:4, 116:18, 119:2, 130:21 deposed [34] - 16:9, 16:12, 92:15, 93:5, 93:11, 93:17, 93:20, 97:25, 98:5, 99:10, 100:3, 100:6, 108:19, 110:24, 111:13, 111:15, 112:16, 113:3, 113:9, 116:10, 117:20, 117:22, 118:2, 118:24, 119:9, 126:11, 126:22, 130:13, 133:18, 134:25, 135:3, 135:8, 135:19 deposing [3] - 108:21, 110:5, 124:2 deposition [70] - 14:15, 14:21, 17:18, 17:23, 51:8, 53:18, 64:20, 68:4, 69:1, 72:17, 85:23, 86:5, 89:22, 89:24, 92:9, 92:16, 92:18, 92:19, 93:4, 93:6, 93:8, 93:10, 94:1, 94:4, 94:8, 98:13, 101:12, 102:9, 104:16, 105:2, 105:8, 106:23, 107:3,</p>
--	--	--	---	--

<p>108:2, 108:5, 110:15, 110:16, 112:18, 112:19, 112:23, 114:5, 114:9, 114:21, 115:7, 115:21, 117:11, 118:10, 118:21, 119:17, 121:15, 122:15, 123:16, 123:18, 123:21, 124:5, 124:12, 124:19, 124:21, 124:22, 125:1, 125:3, 125:6, 125:10, 125:16, 125:25, 126:7, 127:3</p> <p>depositions [59] - 14:18, 14:21, 16:15, 17:8, 17:11, 27:11, 29:4, 31:5, 44:6, 55:16, 68:11, 68:18, 68:21, 71:10, 71:19, 88:5, 98:21, 99:8, 101:3, 101:9, 103:4, 103:5, 103:7, 103:20, 104:4, 104:19, 105:16, 106:17, 107:6, 108:1, 108:16, 108:21, 109:14, 110:23, 110:25, 111:5, 111:20, 111:24, 113:15, 113:17, 115:2, 115:16, 117:8, 118:10, 120:13, 124:7, 128:14, 128:17, 128:23, 129:1, 130:15, 130:20, 131:20, 131:22, 132:4, 135:12, 136:15, 146:8</p> <p>deps [1] - 107:24</p> <p>describe [1] - 87:11</p> <p>described [3] - 28:18, 36:9, 142:2</p> <p>designate [1] - 117:24</p> <p>designated [1] - 134:4</p> <p>designations [1] - 138:4</p> <p>designee [8] - 47:9, 61:12, 66:6, 70:13, 72:8, 77:20, 78:21</p> <p>designees [2] - 47:10, 77:16</p> <p>detail [4] - 66:18, 74:12, 127:19, 146:3</p> <p>detect [1] - 66:10</p> <p>determination [4] -</p>	<p>99:19, 100:9, 100:16, 103:11</p> <p>determine [2] - 37:1, 136:12</p> <p>determined [2] - 99:4, 133:23</p> <p>developed [1] - 34:7</p> <p>development [1] - 86:12</p> <p>DFS [1] - 22:5</p> <p>DFSs [1] - 19:13</p> <p>dial [1] - 126:14</p> <p>dials [1] - 126:18</p> <p>Dicamba [1] - 37:13</p> <p>DICAMBA [1] - 37:13</p> <p>difference [2] - 92:3, 112:9</p> <p>differences [4] - 91:23, 109:12, 111:6, 123:19</p> <p>different [24] - 22:8, 27:10, 27:15, 31:24, 32:1, 37:25, 44:9, 44:23, 50:1, 52:22, 52:23, 52:24, 63:24, 63:25, 75:22, 90:17, 93:14, 94:18, 101:2, 115:6, 118:15, 123:25, 124:1, 130:4</p> <p>differing [2] - 125:23, 126:3</p> <p>difficult [3] - 110:17, 112:9, 146:11</p> <p>difficulties [4] - 28:25, 109:11, 110:4, 110:5</p> <p>difficulty [1] - 105:14</p> <p>direct [4] - 5:6, 38:3, 38:7, 38:10</p> <p>directed [3] - 35:22, 85:19, 86:25</p> <p>directing [1] - 104:16</p> <p>direction [3] - 87:25, 107:24, 108:4</p> <p>directly [2] - 60:9, 87:2</p> <p>director [3] - 93:2, 93:25, 98:15</p> <p>disagree [12] - 45:23, 45:24, 73:5, 96:4, 96:13, 99:3, 99:17, 100:13, 100:21, 102:25, 107:16</p> <p>disagreement [1] - 135:10</p> <p>disagrees [1] - 60:1</p> <p>disclose [2] - 13:12, 13:24</p> <p>disclosures [1] - 24:16</p> <p>discovered [2] -</p>	<p>14:11, 54:25</p> <p>discovery [58] - 12:14, 12:23, 14:7, 15:3, 15:10, 21:21, 22:7, 23:23, 26:6, 26:13, 26:15, 26:24, 27:7, 27:14, 31:4, 35:22, 36:8, 36:11, 36:16, 40:7, 40:12, 40:16, 40:22, 43:25, 47:6, 47:13, 47:14, 47:19, 47:20, 48:21, 49:2, 52:3, 53:3, 53:22, 54:18, 58:9, 58:15, 58:18, 59:4, 59:12, 59:13, 59:14, 59:18, 59:21, 60:11, 60:12, 60:20, 60:23, 62:15, 72:12, 73:7, 84:12, 92:13, 102:1, 105:7, 135:15, 135:25, 140:3</p> <p>discovery-related [2] - 36:8, 36:16</p> <p>discreet [3] - 80:22, 80:25, 81:14</p> <p>discretion [2] - 28:11, 111:15</p> <p>discuss [20] - 9:1, 19:25, 21:25, 23:6, 24:2, 24:8, 41:17, 42:9, 74:17, 81:20, 82:21, 83:4, 90:16, 114:17, 115:13, 115:14, 124:15, 125:11, 131:25, 143:24</p> <p>discussed [9] - 25:9, 26:2, 79:25, 106:6, 117:19, 130:1, 133:16, 135:22, 141:25</p> <p>discussing [4] - 42:6, 61:6, 85:17, 117:21</p> <p>discussion [15] - 22:11, 23:1, 46:3, 52:2, 64:5, 71:13, 74:8, 80:18, 91:10, 101:14, 115:16, 129:22, 135:12, 144:6, 144:23</p> <p>discussions [14] - 5:1, 12:13, 25:11, 28:13, 52:17, 82:18, 82:20, 86:23, 129:21, 134:2, 134:14, 134:20, 134:23, 145:2</p> <p>disease [1] - 3:23</p> <p>dishes [1] - 103:15</p>	<p>dismissed [8] - 7:21, 8:11, 8:17, 8:20, 9:14, 11:17, 11:23, 15:14</p> <p>disparagement [1] - 120:9</p> <p>disparaging [2] - 121:20, 121:24</p> <p>dispose [1] - 73:23</p> <p>disposed [1] - 104:24</p> <p>disposes [1] - 73:22</p> <p>dispositive [4] - 11:10, 35:23, 35:25, 37:1</p> <p>dispute [18] - 45:14, 46:18, 58:2, 58:11, 61:10, 72:13, 72:14, 73:1, 74:10, 74:13, 78:14, 81:19, 99:3, 100:24, 115:3, 124:19, 125:23, 129:24</p> <p>disputed [1] - 103:2</p> <p>disputes [6] - 26:22, 27:5, 27:14, 56:6, 80:1, 126:23</p> <p>disrupt [1] - 120:17</p> <p>disruption [1] - 130:14</p> <p>disruptive [2] - 105:1, 122:14</p> <p>distance [1] - 111:6</p> <p>distinct [2] - 36:25, 81:4</p> <p>distinction [4] - 53:9, 70:24, 94:13, 95:23</p> <p>distribution [2] - 20:6, 32:8</p> <p>distributors [1] - 54:1</p> <p>district [8] - 5:14, 31:22, 32:14, 33:5, 33:13, 34:8, 34:15, 36:23</p> <p>District [7] - 4:25, 5:7, 5:10, 7:12, 36:17, 36:19, 94:2</p> <p>DISTRICT [3] - 1:1, 1:1, 1:8</p> <p>districts [1] - 5:11</p> <p>DJ [1] - 110:18</p> <p>do's [1] - 145:14</p> <p>docket [2] - 28:22, 33:7</p> <p>document [15] - 26:17, 26:19, 68:13, 97:17, 105:9, 106:16, 123:22, 123:23, 124:9, 125:9, 126:2, 126:7, 137:14, 137:15,</p>	<p>137:19</p> <p>documented [1] - 76:7</p> <p>documents [50] - 48:7, 49:7, 49:9, 49:10, 53:19, 53:21, 54:9, 59:15, 61:20, 62:17, 64:18, 66:20, 68:2, 68:3, 68:8, 69:13, 71:9, 75:2, 87:6, 90:1, 92:13, 106:8, 106:10, 107:1, 123:15, 123:16, 124:4, 124:21, 125:1, 125:15, 125:21, 126:5, 136:23, 137:11, 138:8, 138:12, 138:15, 138:19, 138:22, 138:25, 142:15, 142:16, 142:21, 144:23, 145:5, 145:6, 145:11, 145:19</p> <p>dog [1] - 54:1</p> <p>dollars [2] - 39:6, 39:19</p> <p>Domestic [1] - 38:2</p> <p>don'ts [1] - 145:14</p> <p>Donald [1] - 7:19</p> <p>done [25] - 17:9, 19:19, 19:20, 19:23, 24:12, 30:10, 41:13, 41:22, 59:10, 77:19, 79:13, 79:16, 80:2, 80:19, 80:20, 85:17, 94:20, 94:21, 102:23, 105:17, 105:18, 110:25, 134:21, 135:16, 146:7</p> <p>Donio [1] - 29:24</p> <p>Donna [1] - 10:19</p> <p>Dorothy [1] - 8:8</p> <p>dose [15] - 21:8, 51:16, 52:5, 53:15, 63:7, 72:5, 83:8, 85:5, 85:6, 85:11, 85:12, 85:15, 85:24, 86:1</p> <p>doubt [2] - 28:15, 103:10</p> <p>down [21] - 5:10, 5:12, 6:10, 6:12, 11:13, 18:8, 23:9, 25:10, 27:5, 54:15, 64:9, 91:25, 104:15, 107:25, 108:14, 109:25, 116:21, 119:18, 121:4,</p>
---	---	--	---	--

<p>121:22, 136:11 downstream [3] - 21:9, 26:18, 74:23 dozens [1] - 32:7 draft [1] - 91:19 drag [1] - 27:5 draw [1] - 53:9 driver [1] - 110:18 dropped [1] - 131:12 dropping [1] - 105:25 Drug [1] - 140:23 Drugs [2] - 80:11, 81:4 drugs [2] - 31:24, 31:25 Du [1] - 134:4 DUANE [1] - 2:5 dude [1] - 87:10 due [7] - 13:6, 70:4, 70:13, 114:14, 116:25, 117:4 during [15] - 28:13, 52:2, 65:12, 70:6, 85:5, 97:6, 98:2, 105:4, 107:6, 118:5, 125:1, 125:14, 126:7, 144:23, 145:1 Durl [1] - 9:9 DURL [1] - 9:9</p>	<p>efficiently [1] - 46:2 effort [1] - 54:7 eighth [1] - 60:10 Eisenhower [1] - 1:12 either [5] - 91:4, 92:12, 95:15, 105:9, 124:17 election [1] - 32:25 Elevator [1] - 104:20 elicit [2] - 102:9, 104:3 Ellis [1] - 82:6 ELLIS [1] - 2:20 embrace [1] - 62:19 embraced [1] - 64:6 emergency [1] - 32:15 emphasized [1] - 29:22 Employee [1] - 37:20 employee [2] - 93:16, 93:17 employees [3] - 27:11, 98:17, 135:1 employment [1] - 34:6 en [1] - 57:17 enable [2] - 42:25, 47:8 encompassing [1] - 57:6 end [27] - 6:1, 13:24, 14:22, 15:14, 16:20, 16:23, 17:2, 22:19, 38:10, 39:14, 45:19, 57:4, 62:13, 90:25, 102:25, 103:16, 107:17, 108:8, 127:16, 129:19, 130:23, 133:1, 138:2, 145:12, 146:8 endeavor [3] - 88:10, 111:12, 134:15 ENDED [1] - 89:16 ends [1] - 7:1 endure [1] - 97:4 English [2] - 120:20, 121:23 enormous [1] - 33:6 enter [4] - 42:12, 43:6, 43:13, 109:17 entered [7] - 32:10, 42:15, 45:21, 47:6, 72:12, 131:15, 131:16 entering [1] - 5:5 entire [7] - 20:4, 29:21, 32:17, 53:2, 54:6, 74:16, 117:25 entities [4] - 74:23, 76:18, 77:17, 135:2 entitled [3] - 52:3, 61:10, 63:3</p>	<p>entity [6] - 78:2, 78:4, 81:13, 83:16, 104:22, 137:13 enunciated [1] - 98:12 equally [1] - 81:2 equipment [1] - 38:11 Erie [2] - 42:11, 42:18 ERMI [1] - 37:24 especially [8] - 3:12, 42:25, 59:17, 68:22, 69:5, 95:24, 110:5, 118:13 ESQUIRE [13] - 1:12, 1:15, 1:18, 2:3, 2:6, 2:6, 2:9, 2:10, 2:10, 2:14, 2:18, 2:21, 2:24 essential [2] - 92:21, 101:17 essentially [4] - 6:10, 20:12, 54:7, 125:13 establish [3] - 29:4, 54:16, 69:19 established [2] - 26:19, 94:24 establishment [3] - 136:9, 137:5, 137:6 estimated [1] - 39:9 et [12] - 30:7, 32:3, 34:20, 53:17, 53:24, 54:1, 64:12, 66:10, 98:15, 100:18 Euric [1] - 10:23 EURIC [1] - 10:23 Europe [5] - 53:5, 54:4, 54:12, 54:13 evaluate [3] - 53:5, 56:14, 83:22 evaluation [2] - 85:4, 86:19 evaluations [1] - 84:1 Evelyn [1] - 10:3 evening [2] - 82:20, 114:21 eventually [3] - 30:11, 33:21, 103:6 everywhere [1] - 56:23 evidence [2] - 54:16, 71:8 Evidence [1] - 101:5 exact [3] - 21:4, 53:16, 63:14 exactly [3] - 32:18, 56:18, 64:15 examined [1] - 19:2 example [18] - 26:6, 39:4, 45:8, 49:16, 53:10, 54:10, 58:12, 63:13, 64:5, 64:9,</p>	<p>66:11, 72:2, 81:22, 87:14, 103:18, 131:10, 134:2, 144:22 examples [1] - 53:21 exceed [1] - 39:14 exceedingly [1] - 106:24 exceeds [1] - 77:25 excellent [1] - 24:7 except [3] - 30:22, 49:8, 140:20 exception [3] - 47:21, 48:7, 58:17 exceptional [1] - 27:18 exceptions [1] - 59:23 exchange [3] - 19:22, 123:15, 124:18 exchanging [1] - 22:4 excipients [1] - 85:18 exclude [1] - 71:12 excuse [1] - 123:6 executive [2] - 98:15, 143:19 exercising [1] - 37:4 exhaustively [1] - 144:5 Exhibit [18] - 50:4, 50:6, 50:7, 50:14, 50:19, 51:7, 51:13, 54:10, 74:25, 75:6, 79:19, 80:8, 82:4, 82:13, 83:1, 91:11, 91:24 exhibit [4] - 75:13, 75:16, 91:21, 124:12 Exhibits [1] - 53:21 exhibits [7] - 50:12, 75:14, 82:19, 91:11, 123:12, 123:18, 124:18 exist [1] - 140:8 expansion [2] - 35:18, 49:1 expect [15] - 13:25, 29:18, 32:15, 32:22, 41:3, 68:1, 106:9, 106:25, 111:13, 114:7, 114:13, 118:4, 118:16, 133:22, 146:3 expectation [1] - 115:24 expectations [1] - 6:23 expected [3] - 66:6, 115:20, 121:11 expecting [1] - 82:18 expense [1] - 38:24</p>	<p>expenses [2] - 38:23, 39:1 experience [4] - 15:13, 34:3, 39:10, 139:11 expert [16] - 12:11, 13:13, 14:9, 14:12, 14:13, 14:17, 14:18, 14:20, 14:21, 17:10, 17:18, 17:21, 17:22, 18:25, 19:2 experts [12] - 12:24, 14:15, 16:8, 16:14, 16:15, 16:20, 17:8, 17:9, 17:20, 18:10, 19:1, 76:3 experts' [1] - 16:10 explain [4] - 52:14, 54:5, 122:13, 132:19 explained [1] - 60:6 explicit [1] - 120:18 explicitly [2] - 116:2, 120:12 exploratory [2] - 68:24, 69:3 expound [2] - 101:20, 102:11 Express [1] - 3:15 express [1] - 14:12 expressed [1] - 60:20 expressly [4] - 47:12, 48:22, 48:23, 60:10 extend [1] - 22:4 extensive [4] - 33:23, 52:16, 72:12, 128:25 extensively [2] - 33:24, 34:7 extent [16] - 8:4, 22:9, 49:13, 68:22, 72:3, 76:13, 78:22, 81:16, 84:14, 85:16, 87:12, 90:16, 96:22, 98:20, 103:3, 103:19 eye [1] - 127:21</p>
E				
<p>e-mails [2] - 29:16, 55:7 Eagles [1] - 3:12 early [12] - 6:2, 6:10, 6:14, 12:11, 13:3, 40:21, 53:11, 62:18, 76:2, 116:7, 129:9, 129:10 easier [1] - 91:22 east [1] - 110:16 East [1] - 5:19 easy [3] - 7:16, 93:24, 109:16 ECF [1] - 91:20 economic [2] - 38:5, 38:13 edited [1] - 56:25 editorialize [1] - 97:20 editorialized [1] - 98:23 edits [1] - 91:14 educated [1] - 64:21 effect [6] - 35:7, 64:12, 64:17, 96:8, 121:10, 121:19 effectively [2] - 31:21, 38:20 efficiency [1] - 45:24 efficient [1] - 45:18</p>				
F				
				<p>face [1] - 105:14 facie [2] - 69:20, 112:25 facilities [15] - 52:4, 52:10, 52:21, 53:11, 53:14, 55:14, 55:15, 55:21, 57:5, 58:3, 59:22, 63:1, 63:3, 88:25, 109:4 facility [8] - 53:6, 56:15, 57:10, 58:18, 58:22, 58:23, 59:6, 67:8</p>

<p>facing [1] - 29:20</p> <p>fact [40] - 7:17, 14:7, 20:3, 20:5, 20:9, 20:11, 20:16, 20:20, 20:25, 21:2, 21:6, 21:7, 21:13, 21:15, 21:19, 22:3, 26:20, 27:10, 28:25, 31:4, 53:1, 78:20, 93:19, 94:14, 94:16, 95:4, 96:1, 96:17, 96:25, 100:2, 103:23, 105:9, 111:23, 116:3, 117:23, 121:24, 135:5, 135:15</p> <p>fact-based [1] - 121:24</p> <p>factual [2] - 29:5, 73:3</p> <p>fail [1] - 122:20</p> <p>fair [8] - 13:23, 23:15, 38:17, 65:6, 113:11, 119:12, 128:2, 144:12</p> <p>faire [1] - 4:13</p> <p>fairly [1] - 46:2</p> <p>fairness [1] - 38:23</p> <p>fall [3] - 12:11, 29:11, 106:20</p> <p>fallback [1] - 63:18</p> <p>falls [1] - 120:2</p> <p>familiar [2] - 90:13, 126:10</p> <p>family [4] - 3:25, 75:15, 77:18, 118:7</p> <p>fan [1] - 7:7</p> <p>Fannie [1] - 10:22</p> <p>FANNIE [1] - 10:22</p> <p>far [4] - 39:6, 55:12, 77:17, 105:6</p> <p>Fargo [1] - 36:2</p> <p>favours [1] - 31:16</p> <p>FDA [21] - 61:19, 62:17, 62:20, 63:18, 66:20, 66:21, 81:14, 87:14, 136:10, 136:23, 137:10, 138:6, 138:15, 138:20, 138:25, 139:2, 139:6, 139:11, 139:14, 139:20, 139:23</p> <p>February [2] - 20:20, 99:7</p> <p>February/March [2] - 21:14, 21:17</p> <p>Federal [4] - 36:3, 101:4, 145:21</p> <p>federal [4] - 6:12, 115:11, 116:3, 116:9</p>	<p>feelings [1] - 7:7</p> <p>felt [2] - 34:8, 37:8</p> <p>few [14] - 23:1, 27:1, 45:15, 52:1, 57:15, 70:9, 75:25, 83:6, 91:19, 93:14, 118:11, 120:16, 125:21, 133:21</p> <p>fewer [1] - 23:8</p> <p>field [1] - 64:20</p> <p>fight [2] - 119:6, 119:18</p> <p>fighths [1] - 118:23</p> <p>figure [6] - 32:8, 40:1, 53:13, 71:16, 133:4, 136:12</p> <p>figuring [3] - 14:3, 53:12, 121:22</p> <p>file [15] - 5:6, 7:13, 11:10, 11:20, 11:23, 14:22, 18:13, 21:15, 42:13, 42:14, 108:10, 112:22, 138:6, 139:23, 139:24</p> <p>filed [9] - 11:11, 42:10, 42:22, 43:5, 46:17, 91:19, 101:10, 107:19, 129:12</p> <p>filing [3] - 4:20, 6:15, 18:9</p> <p>fill [2] - 32:22, 136:14</p> <p>filled [1] - 33:1</p> <p>filling [1] - 33:3</p> <p>filter [1] - 121:4</p> <p>final [3] - 86:11, 88:6, 145:2</p> <p>finalize [3] - 20:20, 67:14, 127:21</p> <p>finalized [1] - 44:18</p> <p>finally [3] - 5:24, 7:1, 119:2</p> <p>findings [1] - 55:2</p> <p>fine [22] - 15:24, 16:22, 19:18, 22:13, 23:8, 44:21, 84:11, 88:19, 89:4, 89:5, 91:2, 91:4, 100:13, 100:21, 104:10, 104:12, 112:21, 115:17, 125:12, 132:15, 138:20, 143:7</p> <p>finish [2] - 89:2, 112:12</p> <p>finished [15] - 21:8, 51:16, 52:5, 53:14, 63:7, 72:5, 83:8, 85:5, 85:6, 85:11, 85:12, 85:15, 85:24,</p>	<p>86:1</p> <p>first [28] - 4:5, 4:16, 7:16, 21:23, 22:25, 31:9, 40:1, 44:8, 44:20, 45:1, 46:6, 46:15, 46:18, 53:25, 70:10, 75:7, 83:12, 84:16, 91:1, 92:3, 92:7, 97:21, 99:13, 106:5, 123:1, 140:25, 141:13, 141:20</p> <p>Fisher [1] - 8:8</p> <p>FISHER [1] - 8:8</p> <p>five [11] - 14:23, 35:22, 44:4, 51:12, 114:19, 114:25, 117:24, 118:10, 135:6, 139:16</p> <p>five-hour [2] - 114:19, 114:25</p> <p>fix [1] - 38:3</p> <p>flattering [1] - 121:3</p> <p>Febia [1] - 10:2</p> <p>FLEBIA [1] - 10:3</p> <p>flexibility [2] - 110:12, 110:13</p> <p>flexible [1] - 117:13</p> <p>flip [3] - 56:20, 71:11, 110:20</p> <p>flipping [1] - 57:2</p> <p>Floor [1] - 2:24</p> <p>floor [1] - 74:3</p> <p>Florida [1] - 1:19</p> <p>flow [1] - 132:14</p> <p>fluency [2] - 120:19, 121:23</p> <p>fly [3] - 93:11, 94:4, 109:5</p> <p>focus [2] - 47:18, 48:5</p> <p>focused [3] - 23:21, 29:13, 34:1</p> <p>forcing [1] - 46:13</p> <p>FOIA [4] - 137:11, 137:15, 137:22, 139:14</p> <p>FOIA'd [1] - 137:4</p> <p>folks [2] - 13:15, 40:8</p> <p>follow [1] - 11:24</p> <p>followed [1] - 63:1</p> <p>following [1] - 51:15</p> <p>food [1] - 88:16</p> <p>FOR [1] - 1:1</p> <p>force [1] - 125:8</p> <p>foreign [16] - 48:15, 49:6, 54:16, 59:14, 60:6, 60:12, 68:6, 104:21, 104:22, 105:11, 122:21, 123:12, 123:22,</p>	<p>125:9, 125:16, 133:19</p> <p>foreseeable [1] - 28:25</p> <p>forget [1] - 21:4</p> <p>form [1] - 26:12</p> <p>formal [3] - 11:21, 11:24, 37:16</p> <p>formalized [2] - 4:14, 12:5</p> <p>formation [3] - 85:18, 86:18, 86:21</p> <p>forth [3] - 91:21, 140:25, 141:1</p> <p>forthcoming [3] - 77:14, 77:15, 134:11</p> <p>forward [10] - 8:4, 8:6, 17:4, 17:5, 27:9, 64:4, 99:10, 105:20, 111:11, 125:7</p> <p>four [8] - 8:7, 8:14, 8:19, 8:20, 36:6, 44:3, 51:12, 145:18</p> <p>fourth [1] - 32:21</p> <p>frame [1] - 67:23</p> <p>frankly [1] - 33:10</p> <p>free [1] - 3:15</p> <p>Freedom [1] - 137:4</p> <p>FREEMAN [1] - 1:11</p> <p>fresh [4] - 19:17, 20:13, 22:2, 22:15</p> <p>Friedlander [1] - 1:22</p> <p>friedlanderreporter@gmail.com [1] - 1:22</p> <p>front [8] - 46:8, 48:13, 49:4, 55:5, 56:6, 75:16, 91:25, 121:19</p> <p>fruit [1] - 132:16</p> <p>fruitful [2] - 80:24, 81:5</p> <p>full [4] - 13:6, 35:15, 68:13, 144:11</p> <p>function [2] - 34:2, 34:5</p> <p>functional [1] - 97:17</p> <p>functions [1] - 35:10</p> <p>fundamental [1] - 37:2</p> <p>future [7] - 4:7, 7:6, 11:10, 12:2, 39:10, 119:1, 127:7</p>	<p>12:10, 12:12, 12:21, 13:7, 14:7, 14:9, 14:14, 26:8, 31:5, 46:18, 47:2, 47:3, 48:8, 49:22, 51:10, 54:22, 59:18, 61:15, 84:22, 89:22, 89:25, 95:15, 97:13, 108:20, 116:2, 121:17, 135:16</p> <p>generalities [1] - 132:9</p> <p>generally [5] - 5:9, 6:22, 18:24, 42:7, 49:7</p> <p>generated [1] - 56:7</p> <p>GEOPPINGER [2] - 141:17, 143:10</p> <p>Geoppinger [1] - 141:17</p> <p>Georgia [1] - 2:11</p> <p>Gibson [1] - 10:22</p> <p>given [14] - 5:18, 21:24, 40:5, 60:22, 64:11, 68:4, 78:22, 97:2, 107:2, 107:8, 118:14, 122:9, 123:7, 128:24</p> <p>global [11] - 45:25, 46:2, 46:6, 46:18, 60:7, 70:1, 73:23, 80:1, 88:2, 97:6, 118:5</p> <p>Glover [1] - 36:1</p> <p>GLOVER [1] - 36:2</p> <p>Gold [1] - 37:15</p> <p>GOLDBERG [61] - 2:6, 11:3, 20:22, 24:23, 24:25, 25:20, 25:24, 26:2, 30:22, 41:8, 44:21, 45:22, 46:11, 61:22, 87:21, 89:3, 90:9, 91:9, 91:18, 92:2, 93:13, 94:12, 95:11, 96:14, 96:20, 96:22, 99:21, 99:24, 100:23, 103:22, 106:2, 106:5, 108:11, 112:11, 113:11, 113:13, 114:3, 115:5, 115:10, 115:18, 116:13, 116:15, 116:20, 119:12, 119:21, 120:5, 120:25, 122:1, 123:11, 125:18, 125:20, 128:2, 129:5, 129:8, 129:13, 130:8,</p>
---	--	---	--	---

G

G-U-N-T-E-R [1] - 8:10

gained [1] - 34:3

gal [1] - 94:6

garbled [1] - 25:23

gather [1] - 76:4

general [28] - 5:2,

132:21, 132:24, 133:3, 133:8, 134:18 Goldberg [32] - 11:3, 20:22, 24:24, 25:20, 25:22, 30:21, 44:19, 45:22, 46:9, 61:22, 87:21, 90:7, 91:5, 91:17, 95:8, 99:15, 100:8, 102:19, 103:16, 105:4, 106:2, 112:12, 113:10, 113:22, 118:18, 120:4, 127:24, 128:12, 129:20, 130:8, 130:16, 134:18 Goldberg's [1] - 143:16 GOLDENBERG [1] - 80:21 Goldilocks [1] - 140:17 GOLOMB [1] - 1:14 GORDON [1] - 2:23 govern [1] - 101:6 governing [1] - 34:13 government [6] - 6:11, 92:11, 92:18, 106:19, 120:11, 122:3 governs [1] - 98:21 grand [2] - 6:12, 6:14 grant [1] - 69:22 granted [1] - 43:4 granting [2] - 18:15, 43:6 granular [2] - 30:6, 56:13 grateful [1] - 74:14 great [19] - 18:18, 40:14, 46:14, 48:2, 48:3, 48:4, 48:18, 58:14, 64:5, 64:16, 79:17, 80:2, 88:4, 89:3, 103:9, 107:16, 133:20, 140:2, 146:14 Greenberg [3] - 8:2, 17:16, 143:18 GREENBERG [1] - 2:9 Greenburg [1] - 83:3 Greene [2] - 143:22, 144:17 GREENE [2] - 2:10, 144:17 grounds [2] - 40:24, 41:2 group [3] - 8:3, 8:13, 98:4 Group [1] - 2:8	groups [1] - 37:21 guess [6] - 13:18, 29:25, 104:6, 107:21, 108:16, 137:18 guidance [5] - 29:16, 107:9, 107:19, 107:20, 136:21 guide [1] - 112:5 Gunter [1] - 8:9 guy [1] - 94:6 Gypsum [1] - 35:14 H Hague [4] - 101:10, 107:23, 128:15, 129:3 Hair [1] - 37:18 hand [1] - 136:3 handle [2] - 102:5, 136:4 handled [3] - 29:9, 32:18, 76:12 handling [1] - 132:18 hands [1] - 135:20 hang [4] - 25:2, 90:4, 95:8, 99:6 hanging [2] - 105:13, 132:16 happy [12] - 4:2, 57:13, 57:21, 67:15, 74:16, 83:9, 90:25, 101:19, 102:13, 114:22, 140:10, 140:16 hard [5] - 12:4, 84:7, 108:1, 112:1, 122:12 Hardcastle [1] - 10:3 HARDCASTLE [1] - 10:3 harder [1] - 117:4 HARKINS [11] - 2:10, 8:1, 8:24, 9:19, 10:12, 83:2, 83:12, 84:14, 84:25, 86:11, 87:25 Harkins [2] - 8:1, 83:2 harm [1] - 84:18 harshly [1] - 123:5 haul [1] - 110:18 Hawkins [1] - 10:3 head [2] - 30:12, 31:17 headed [3] - 26:7, 27:9, 27:13 health [3] - 118:20, 119:8, 119:16 healthy [1] - 42:1 hear [11] - 26:25, 41:3, 46:24, 82:8, 82:12,	88:14, 96:11, 144:2, 144:4, 146:2 heard [8] - 5:11, 22:22, 26:21, 95:25, 102:16, 141:5, 141:25, 143:25 hearing [4] - 102:2, 103:12, 110:4, 127:18 hearings [7] - 12:12, 15:1, 18:21, 18:23, 34:22, 125:14 hears [1] - 64:1 heated [1] - 120:13 heavily [3] - 35:13, 56:25, 62:9 heavy [1] - 28:22 Hebert [1] - 10:7 HEBERT [1] - 10:8 Heinz [4] - 79:21, 79:23, 80:5, 80:13 HEINZ [4] - 2:14, 79:21, 79:25, 80:4 held [2] - 49:7, 113:5 hello [5] - 15:22, 28:9, 41:20, 44:11, 126:19 help [4] - 34:8, 42:6, 93:7, 95:9 helpful [7] - 33:17, 39:20, 49:23, 101:20, 111:25, 126:16, 140:11 helping [1] - 146:12 Herbicide [1] - 37:13 heritage [3] - 120:10, 120:19, 122:4 Hetero [8] - 2:19, 80:8, 80:11, 80:23, 81:4, 81:14 Hetero's [1] - 80:23 Hi [1] - 79:23 highest [1] - 121:2 highlight [1] - 71:24 highlights [1] - 72:2 highly [2] - 71:21, 122:14 Hightower [1] - 10:22 HILL [1] - 2:17 HILTON [4] - 2:3, 137:2, 137:23, 138:9 Hilton [2] - 136:5, 137:3 hold [6] - 50:8, 55:18, 100:9, 100:10, 131:17 hole [1] - 121:22 Holiday [1] - 3:14 holiday [2] - 43:16, 146:14 Home [1] - 36:2	Hong [27] - 93:5, 94:4, 108:20, 108:21, 108:24, 109:2, 109:5, 109:8, 109:9, 109:12, 110:5, 110:15, 110:21, 110:24, 111:21, 112:19, 112:23, 114:6, 114:8, 114:10, 114:18, 114:20, 115:21, 115:24, 117:9, 117:10, 118:5 HONIK [1] - 1:14 Honor [206] - 3:5, 3:8, 8:1, 8:12, 8:24, 9:20, 9:24, 10:12, 11:3, 15:22, 16:16, 17:12, 18:7, 18:18, 19:6, 19:25, 20:22, 20:23, 21:22, 24:25, 25:20, 26:2, 26:8, 26:21, 27:3, 27:22, 27:24, 28:9, 28:10, 28:13, 28:15, 28:16, 28:18, 30:18, 30:22, 30:23, 30:24, 31:9, 41:8, 41:9, 41:10, 44:11, 44:21, 45:3, 45:5, 45:10, 45:22, 46:2, 46:3, 46:11, 46:19, 47:1, 47:16, 50:15, 51:1, 51:24, 52:2, 53:1, 53:20, 54:15, 54:18, 55:14, 55:17, 55:24, 56:4, 56:24, 57:13, 59:11, 61:22, 62:5, 62:6, 62:18, 62:22, 62:24, 63:15, 63:20, 64:1, 64:11, 65:5, 66:3, 67:4, 67:12, 67:21, 68:10, 69:7, 69:24, 70:16, 70:19, 71:13, 71:24, 72:18, 73:22, 74:21, 75:5, 76:25, 79:6, 79:12, 79:13, 79:21, 80:1, 80:10, 80:14, 81:10, 82:5, 82:7, 82:11, 82:22, 83:2, 84:14, 84:25, 85:21, 86:11, 87:1, 87:21, 88:10, 88:15, 88:19, 89:3, 89:14, 90:9, 91:2, 91:9, 91:16, 91:19, 91:23, 93:13, 94:12, 95:11, 97:12, 98:12, 98:25, 99:21, 99:24, 101:20, 101:25, 102:2, 102:12, 102:17,	103:22, 104:6, 105:3, 105:15, 106:2, 106:12, 108:11, 109:23, 112:11, 113:3, 113:5, 114:3, 114:8, 115:13, 116:16, 119:12, 120:5, 120:25, 121:7, 121:8, 122:1, 123:11, 124:24, 125:18, 126:9, 126:10, 126:15, 126:19, 128:2, 128:6, 128:21, 129:13, 129:16, 130:8, 131:4, 131:18, 132:21, 133:9, 133:20, 134:3, 134:18, 134:24, 136:7, 137:2, 137:23, 138:9, 138:13, 138:24, 139:9, 140:1, 140:5, 140:7, 140:11, 140:20, 141:7, 141:17, 141:19, 142:24, 143:10, 143:14, 143:17, 144:16, 144:17, 145:1, 145:4, 145:12, 145:23 Honor's [3] - 29:7, 65:24, 104:23 HONORABLE [2] - 1:8, 1:9 hope [9] - 3:20, 5:25, 6:2, 111:25, 134:15, 143:13, 144:7, 146:13 hoped [1] - 141:2 hopefully [6] - 54:14, 80:12, 112:6, 112:7, 128:3, 143:10 hoping [1] - 126:14 Houchin [1] - 10:5 HOUCHIN [1] - 10:5 hour [8] - 89:13, 109:4, 109:5, 114:10, 114:18, 114:19, 114:25, 134:21 hourly [1] - 39:2 hours [5] - 109:13, 112:3, 114:6, 115:9, 115:11 Huahua [4] - 74:23, 76:15, 77:18, 77:19 Huey [1] - 7:19
--	--	--	--	--

<p>HUEY ^[1] - 7:19</p> <p>hundred ^[1] - 118:19</p> <p>hundreds ^[1] - 32:11</p> <p>hypothetical ^[4] - 84:4, 84:17, 92:25, 93:24</p> <p>hypothetically ^[1] - 116:6</p>	<p>72:25, 73:2</p> <p>impurity ^[2] - 48:8, 66:10</p> <p>IN ^[1] - 1:3</p> <p>inappropriate ^[1] - 72:16</p> <p>Inc ^[3] - 2:12, 2:13, 2:16</p> <p>incentivize ^[1] - 130:10</p> <p>inclination ^[1] - 104:23</p> <p>inclined ^[4] - 23:13, 30:24, 98:25, 144:2</p> <p>include ^[18] - 47:21, 49:17, 51:16, 51:17, 51:19, 52:9, 58:9, 67:5, 72:15, 99:16, 100:12, 100:20, 112:14, 113:24, 121:10, 123:8, 127:4, 127:14</p> <p>included ^[8] - 61:5, 78:19, 96:5, 105:22, 111:7, 122:17, 123:10, 143:23</p> <p>including ^[4] - 3:24, 31:11, 34:19, 135:15</p> <p>inclusion ^[2] - 60:21, 102:21</p> <p>incoming ^[1] - 85:14</p> <p>inconsistent ^[1] - 59:12</p> <p>incorporate ^[1] - 47:13</p> <p>incorporated ^[3] - 49:14, 60:13, 102:17</p> <p>incorporates ^[1] - 60:11</p> <p>increased ^[2] - 114:11, 115:3</p> <p>incredible ^[2] - 6:19, 29:12</p> <p>incredibly ^[2] - 29:1, 108:2</p> <p>independent ^[3] - 76:3, 84:22, 86:5</p> <p>independently ^[1] - 87:13</p> <p>Indian ^[8] - 90:12, 90:14, 90:17, 90:21, 101:1, 120:8, 120:10, 127:20</p> <p>indicate ^[3] - 42:22, 55:20, 88:7</p> <p>indicated ^[3] - 12:13, 39:7, 43:14</p> <p>indicates ^[3] - 43:5, 58:1, 58:2</p> <p>indict ^[1] - 6:11</p>	<p>indictments ^[1] - 6:15</p> <p>individual ^[7] - 45:2, 46:6, 74:4, 94:14, 95:25, 97:4, 117:23</p> <p>individualized ^[1] - 73:25</p> <p>individually ^[1] - 73:21</p> <p>induced ^[1] - 7:10</p> <p>indulgence ^[2] - 65:9, 145:25</p> <p>Industries ^[2] - 2:12, 37:20</p> <p>inevitably ^[1] - 119:5</p> <p>inform ^[2] - 40:21, 41:1</p> <p>informal ^[3] - 12:3, 25:11, 71:14</p> <p>informally ^[2] - 69:2, 141:3</p> <p>Information ^[1] - 137:4</p> <p>information ^[35] - 20:11, 21:6, 21:9, 52:7, 54:17, 54:19, 54:20, 55:8, 59:16, 59:24, 69:2, 70:8, 75:2, 76:4, 76:10, 76:18, 76:21, 77:4, 77:9, 78:5, 78:22, 84:8, 84:10, 84:12, 84:20, 84:23, 86:7, 87:2, 87:12, 87:13, 87:19, 137:13, 138:1, 142:22, 145:7</p> <p>informed ^[1] - 81:1</p> <p>informing ^[2] - 33:10, 64:3</p> <p>infringement ^[1] - 122:25</p> <p>initial ^[4] - 20:8, 21:2, 21:12, 98:4</p> <p>initiate ^[1] - 20:2</p> <p>injuries ^[2] - 32:2, 73:15</p> <p>injury ^[5] - 15:10, 23:3, 27:13, 38:5, 38:14</p> <p>inkling ^[1] - 71:1</p> <p>Inn ^[1] - 3:15</p> <p>input ^[1] - 86:23</p> <p>inquiries ^[3] - 53:23, 55:11, 75:25</p> <p>inquiry ^[1] - 87:17</p> <p>inspection ^[4] - 136:9, 137:5, 137:6, 139:2</p> <p>instance ^[3] - 40:1, 60:19, 69:18</p> <p>instead ^[2] - 112:24, 114:18</p>	<p>institutional ^[1] - 29:23</p> <p>instructed ^[1] - 11:20</p> <p>instruction ^[1] - 51:10</p> <p>instructive ^[1] - 36:5</p> <p>Insurance ^[1] - 35:13</p> <p>intend ^[3] - 48:16, 124:8, 126:24</p> <p>intended ^[8] - 48:6, 51:18, 51:20, 52:5, 56:12, 56:15, 58:16, 66:9</p> <p>intends ^[1] - 95:12</p> <p>intention ^[4] - 22:9, 35:24, 40:21, 95:3</p> <p>interest ^[6] - 16:17, 37:2, 40:24, 67:11, 67:13, 69:23</p> <p>interested ^[6] - 30:8, 63:11, 63:12, 65:21, 66:15, 131:21</p> <p>interference ^[6] - 95:7, 95:10, 98:10, 111:18, 126:12, 136:6</p> <p>interference ^[1] - 90:3</p> <p>internal ^[1] - 55:7</p> <p>interpretation ^[1] - 53:2</p> <p>interpreted ^[2] - 123:20, 126:2</p> <p>interrupt ^[1] - 55:25</p> <p>interrupting ^[2] - 48:11, 51:2</p> <p>intervene ^[1] - 10:25</p> <p>intervention ^[1] - 11:6</p> <p>intra ^[3] - 117:3, 117:5</p> <p>intra-China ^[3] - 117:3, 117:5</p> <p>introduces ^[1] - 77:25</p> <p>introducing ^[1] - 77:11</p> <p>introductions ^[1] - 69:12</p> <p>investigation ^[4] - 61:20, 62:22, 84:22, 86:6</p> <p>invites ^[1] - 118:23</p> <p>involved ^[3] - 47:17, 95:19, 106:19</p> <p>involving ^[1] - 5:15</p> <p>Issue ^[1] - 140:20</p> <p>issue ^[140] - 4:11, 4:16, 13:5, 22:24, 24:22, 25:12, 25:15, 38:21, 38:22, 39:20, 40:10, 42:8, 43:24, 43:25, 44:3, 44:10, 44:12, 45:8, 45:10,</p>	<p>46:15, 46:20, 46:22, 47:14, 50:20, 52:10, 54:6, 54:25, 55:21, 57:4, 57:5, 57:7, 57:12, 57:22, 58:3, 58:7, 58:15, 59:9, 60:2, 60:5, 60:7, 60:18, 61:3, 61:4, 61:16, 65:10, 65:11, 67:3, 69:10, 70:1, 70:13, 72:19, 74:7, 74:18, 74:21, 75:19, 76:8, 76:13, 80:16, 81:14, 81:18, 82:25, 83:12, 85:9, 89:10, 89:20, 90:17, 92:3, 93:14, 95:13, 97:14, 97:24, 98:17, 99:3, 100:1, 100:10, 101:1, 101:23, 102:23, 104:1, 104:4, 105:6, 106:12, 106:13, 107:5, 107:11, 107:21, 107:22, 109:24, 110:1, 113:6, 113:12, 113:13, 115:2, 115:6, 115:18, 116:22, 119:19, 119:22, 119:23, 120:1, 120:6, 120:23, 121:16, 127:7, 128:1, 128:12, 129:1, 129:25, 131:17, 134:19, 135:7, 135:23, 136:8, 136:18, 136:19, 137:20, 137:21, 138:7, 138:23, 139:16, 139:25, 140:3, 140:15, 140:20, 141:11, 141:13, 141:22, 141:23, 142:1, 142:3, 143:4, 143:7, 143:8, 143:23, 144:2, 144:6, 144:14, 146:2</p> <p>issues ^[102] - 5:4, 8:5, 12:12, 12:14, 12:16, 12:23, 13:7, 14:7, 26:12, 26:22, 27:1, 29:5, 30:5, 30:13, 31:3, 31:4, 31:5, 32:11, 36:6, 36:11, 36:16, 36:22, 42:7, 43:19, 43:20, 43:22, 43:23, 43:25, 44:5, 44:8, 44:20, 44:23,</p>
--	--	---	--	---

<p>68:2, 68:19, 69:8, 70:7, 72:11, 72:15, 73:16, 75:11, 75:18, 77:1, 77:2, 77:23, 78:17, 78:19, 78:25, 79:4, 83:15, 83:23, 83:24, 86:14, 92:4, 92:5, 92:7, 92:23, 94:21, 95:22, 96:5, 96:15, 96:20, 99:1, 99:2, 99:14, 99:16, 100:12, 100:20, 101:2, 102:21, 105:22, 108:18, 109:10, 110:1, 110:10, 111:7, 112:14, 113:1, 113:3, 114:23, 116:8, 118:22, 119:7, 121:19, 122:2, 122:17, 123:9, 123:13, 123:20, 123:22, 123:25, 124:12, 125:9, 125:12, 125:13, 125:17, 127:17, 141:19</p> <p>large [5] - 21:16, 22:12, 68:4, 76:13, 108:20</p> <p>largest [1] - 39:18</p> <p>last [19] - 3:15, 5:11, 5:12, 20:20, 30:23, 47:6, 47:24, 63:17, 70:1, 71:23, 74:16, 82:20, 102:24, 106:4, 110:8, 123:11, 139:16, 141:3</p> <p>late [3] - 6:13, 32:23, 110:18</p> <p>Laughter [3] - 3:19, 80:7, 88:17</p> <p>law [9] - 79:2, 92:20, 102:12, 103:19, 104:20, 105:11, 105:23, 107:12, 139:19</p> <p>Law [2] - 101:11, 101:19</p> <p>laws [6] - 101:8, 101:17, 102:17, 104:22, 107:12, 119:24</p> <p>lawsuits [2] - 6:15, 37:25</p> <p>lawyer [3] - 11:15, 104:16, 107:3</p> <p>lawyers [3] - 6:15, 34:22, 114:20</p>	<p>lax [1] - 42:16</p> <p>lay [1] - 65:2</p> <p>layer [1] - 77:11</p> <p>Layne [1] - 137:3</p> <p>LAYNE [1] - 2:3</p> <p>lead [2] - 54:1, 119:6</p> <p>leads [1] - 15:11</p> <p>least [12] - 6:24, 19:16, 23:21, 26:14, 59:12, 67:1, 78:7, 108:25, 109:11, 124:19, 125:21, 142:8</p> <p>leave [12] - 11:11, 42:14, 46:17, 69:16, 92:6, 92:16, 116:7, 116:11, 120:3, 127:4, 135:20</p> <p>LEAVES [1] - 42:3</p> <p>leaves [1] - 25:7</p> <p>leaving [4] - 95:20, 97:5, 105:13, 105:24</p> <p>led [1] - 33:21</p> <p>left [4] - 90:20, 98:20, 127:7, 128:4</p> <p>legal [13] - 87:11, 97:19, 99:19, 100:1, 100:16, 103:11, 107:18, 108:7, 108:14, 119:23, 128:5, 128:16</p> <p>legs [1] - 88:25</p> <p>Lehr [1] - 10:19</p> <p>LEHR [1] - 10:19</p> <p>length [4] - 114:4, 115:2, 115:7, 127:18</p> <p>less [5] - 37:8, 37:14, 68:11, 107:1, 145:15</p> <p>letter [28] - 4:19, 7:18, 8:22, 11:15, 27:25, 28:11, 30:23, 43:24, 45:25, 46:8, 49:25, 50:5, 50:12, 62:14, 79:18, 91:9, 91:11, 101:10, 135:24, 140:21, 142:1, 143:4, 143:16, 143:19, 144:3, 144:7</p> <p>letters [10] - 4:8, 11:19, 12:3, 12:8, 25:13, 25:14, 37:6, 42:5, 91:8, 135:22</p> <p>level [10] - 22:10, 29:13, 29:14, 29:23, 30:5, 61:10, 63:23, 69:6, 98:17, 121:2</p> <p>levels [1] - 20:24</p> <p>LEVIN [1] - 1:17</p> <p>Lexington [1] - 2:21</p> <p>LIABILITY [1] - 1:4</p>	<p>lifted [2] - 118:3, 118:12</p> <p>light [4] - 29:19, 37:2, 108:13, 127:18</p> <p>likely [6] - 38:23, 45:10, 71:10, 106:7, 124:3, 142:21</p> <p>limit [5] - 24:10, 47:4, 52:10, 66:19, 131:1</p> <p>limitation [2] - 46:22, 67:5</p> <p>limited [15] - 47:21, 48:6, 52:6, 53:18, 55:21, 58:17, 59:14, 61:18, 62:15, 62:19, 62:21, 65:5, 76:16, 85:8, 115:23</p> <p>limiting [1] - 51:20</p> <p>limits [7] - 49:8, 53:4, 84:12, 120:20, 128:24, 130:2, 130:11</p> <p>Linda [1] - 9:10</p> <p>Line [2] - 62:25, 70:21</p> <p>line [9] - 41:14, 53:17, 55:5, 66:15, 94:7, 104:15, 120:15, 130:5, 143:22</p> <p>Lipitor [1] - 38:6</p> <p>list [15] - 7:2, 7:25, 9:16, 10:10, 10:24, 14:19, 61:18, 63:18, 85:24, 103:1, 107:18, 107:23, 108:8, 108:9</p> <p>listed [7] - 9:13, 9:16, 10:8, 10:23, 15:15, 65:10, 135:24</p> <p>litigant [1] - 29:17</p> <p>litigants [4] - 29:10, 29:11, 33:11, 97:2</p> <p>Litigation [1] - 33:21</p> <p>litigation [15] - 29:9, 29:13, 29:24, 30:8, 30:11, 30:16, 34:9, 37:24, 73:4, 73:7, 93:18, 93:20, 101:21, 126:10, 126:21</p> <p>LITIGATION [1] - 1:4</p> <p>live [4] - 18:20, 74:10, 116:15, 121:1</p> <p>lives [1] - 93:2</p> <p>LLC [5] - 1:11, 2:2, 2:12, 2:16, 37:24</p> <p>LLP [5] - 2:5, 2:9, 2:17, 2:20, 2:23</p> <p>load [1] - 28:21</p> <p>local [1] - 42:21</p> <p>located [1] - 114:7</p>	<p>location [7] - 56:15, 108:16, 109:11, 109:16, 111:9, 111:10, 115:12</p> <p>locations [1] - 111:16</p> <p>LOCKARD [8] - 17:15, 18:20, 19:25, 20:18, 22:18, 143:17, 143:22, 144:15</p> <p>Lockard [2] - 17:15, 143:17</p> <p>Locke [1] - 10:19</p> <p>LOCKE [1] - 10:19</p> <p>LOCKHARD [1] - 2:9</p> <p>log [4] - 106:7, 106:14, 106:25</p> <p>logjam [2] - 33:2, 33:3</p> <p>Lomax [1] - 10:7</p> <p>LOMAX [1] - 10:7</p> <p>long-haul [1] - 110:18</p> <p>look [24] - 24:1, 26:7, 29:21, 30:5, 31:19, 38:22, 43:5, 49:23, 50:13, 56:11, 61:17, 62:8, 65:25, 71:25, 76:2, 76:17, 91:8, 96:17, 110:1, 112:7, 137:24, 138:9, 143:16</p> <p>looked [3] - 41:15, 47:23, 112:8</p> <p>looking [17] - 13:8, 43:18, 43:23, 50:9, 50:11, 55:20, 60:7, 66:2, 66:17, 73:9, 79:16, 108:13, 119:21, 135:21, 142:21, 145:5</p> <p>looks [1] - 50:12</p> <p>lose [1] - 11:20</p> <p>loss [2] - 38:5, 38:13</p> <p>lost [1] - 88:16</p> <p>Louis [1] - 8:8</p> <p>Louisiana [2] - 2:4, 11:16</p> <p>loved [1] - 3:22</p> <p>low [1] - 132:16</p> <p>low-hanging [1] - 132:16</p> <p>lower [1] - 98:17</p> <p>Ltd [2] - 2:12, 2:16</p> <p>luck [1] - 146:14</p> <p>Lyrik [1] - 10:22</p> <p>LYRIK [1] - 10:22</p>	<p>57:24, 58:1, 58:2, 58:9, 58:17, 59:12, 59:13, 60:11, 60:20, 60:22, 60:25, 61:1, 61:21, 63:9, 65:5, 70:18, 72:12, 73:7, 102:1</p> <p>Macy's [1] - 6:7</p> <p>MAGISTRATE [1] - 1:9</p> <p>magistrate [15] - 26:11, 27:4, 27:22, 28:22, 29:18, 30:1, 30:14, 31:22, 32:13, 32:16, 32:21, 33:14, 35:18, 36:10, 37:17</p> <p>mails [2] - 29:16, 55:7</p> <p>main [3] - 97:17, 99:11, 121:15</p> <p>Mainland [2] - 98:22, 113:8</p> <p>maintain [1] - 58:14</p> <p>major [1] - 56:6</p> <p>mall [2] - 6:4, 6:7</p> <p>manageable [1] - 27:3</p> <p>management [10] - 4:8, 9:3, 11:9, 13:9, 13:10, 18:3, 22:20, 26:6, 29:7, 43:15</p> <p>managing [2] - 34:9, 98:14</p> <p>manner [1] - 121:12</p> <p>manufacture [2] - 67:7, 85:23</p> <p>manufactured [11] - 51:17, 52:6, 53:6, 53:14, 53:16, 56:15, 56:16, 57:11, 58:19, 59:21</p> <p>manufacturer [8] - 26:16, 48:20, 49:19, 72:20, 83:8, 83:9, 85:20, 86:25</p> <p>manufacturers [7] - 21:8, 21:10, 38:11, 63:22, 76:1, 86:1, 142:17</p> <p>manufacturing [10] - 52:22, 62:16, 63:2, 85:5, 85:7, 85:9, 85:12, 85:13, 86:18, 86:22</p> <p>many-hour [1] - 134:21</p> <p>March [3] - 5:11, 6:10, 133:1</p> <p>Maria [1] - 9:11</p> <p>market [8] - 46:23, 48:6, 49:1, 51:18, 68:23, 71:14, 71:17</p>
--	--	--	---	--

M

macro [26] - 47:5, 47:13, 47:20, 52:2, 55:16, 57:6, 57:9,

Market ^[1] - 1:15 marketing ^[1] - 48:15 markets ^[1] - 59:17 Marriott ^[1] - 37:22 masse ^[1] - 57:17 massive ^[1] - 49:1 massively ^[1] - 54:9 master ^[32] - 24:3, 24:19, 25:15, 26:4, 27:19, 28:1, 28:2, 28:5, 28:6, 28:18, 30:13, 30:25, 31:1, 31:12, 31:17, 31:20, 33:18, 35:21, 35:22, 35:24, 36:11, 36:16, 36:22, 36:25, 37:16, 37:25, 38:16, 40:6, 40:13, 40:16, 40:19, 41:7 Master ^[1] - 26:12 masters ^[14] - 24:22, 33:25, 34:2, 34:4, 34:6, 35:10, 35:11, 36:13, 37:3, 37:9, 39:16, 39:23, 40:4, 40:22 material ^[2] - 59:25, 118:12 materials ^[1] - 48:15 math ^[1] - 145:16 matter ^[7] - 26:5, 31:14, 81:6, 100:2, 105:11, 128:16, 131:10 matters ^[5] - 31:21, 33:15, 33:19, 38:20, 60:6 MAZIE ^[1] - 1:11 McClennon ^[1] - 10:2 MCCLENNON ^[1] - 10:2 MDL ^[3] - 35:15, 37:7, 39:11 MDLs ^[1] - 38:18 mean ^[25] - 5:1, 5:9, 14:2, 17:9, 22:12, 40:9, 47:11, 55:25, 65:14, 67:10, 67:13, 68:18, 96:7, 99:18, 103:17, 103:23, 115:6, 116:6, 119:14, 121:20, 125:4, 125:20, 131:5, 134:19, 139:10 means ^[3] - 12:15, 20:1, 93:4 meant ^[1] - 56:9 meantime ^[2] - 9:25 meaty ^[1] - 43:19	mechanical ^[1] - 1:24 mechanics ^[1] - 97:18 medical ^[2] - 32:2, 32:5 meet ^[30] - 23:12, 52:16, 56:25, 64:7, 64:16, 64:23, 68:14, 68:16, 68:20, 68:25, 69:5, 69:9, 70:4, 71:15, 80:15, 80:17, 98:3, 105:4, 105:23, 106:6, 127:20, 128:19, 133:21, 134:20, 136:19, 140:18, 141:23, 142:6, 143:2 meet-and-confer ^[6] - 52:16, 56:25, 64:7, 68:16, 71:15, 133:21 meeting ^[3] - 9:14, 81:15, 136:20 meetings ^[1] - 24:14 member ^[1] - 81:8 members ^[2] - 81:2, 118:7 memorialize ^[2] - 43:15, 88:7 memorialized ^[1] - 46:16 mention ^[1] - 82:16 mentioned ^[3] - 31:2, 62:16, 94:25 mentions ^[1] - 75:7 merits ^[1] - 43:11 messages ^[1] - 29:16 method ^[1] - 111:5 metrics ^[1] - 145:20 mid ^[3] - 5:15, 44:7, 92:13 mid-January ^[2] - 5:15, 44:7 mid-July ^[1] - 92:13 middle ^[2] - 105:1, 111:1 midnight ^[1] - 111:24 might ^[15] - 21:4, 45:18, 49:23, 61:17, 62:16, 71:25, 75:10, 77:18, 84:1, 85:15, 88:11, 94:9, 94:10, 107:9, 123:12 million ^[2] - 39:14, 145:18 millions ^[4] - 6:1, 32:6, 39:6, 145:18 mimic ^[1] - 82:23 mind ^[1] - 28:12 Mine ^[1] - 37:15 minimizing ^[1] - 31:10 minimum ^[1] - 100:2	miniscule ^[1] - 39:16 minor ^[1] - 86:14 mischaracterization s ^[1] - 134:20 mischaracterized ^[1] - 106:6 misrepresentation ^[1] - 145:9 misrepresentations ^[1] - 144:21 misunderstanding ^[1] - 5:23 modeling ^[1] - 71:6 modifications ^[6] - 83:7, 86:14, 86:17, 86:22, 86:24, 87:3 modified ^[1] - 82:18 moment ^[2] - 11:1, 96:25 Monat ^[1] - 37:18 MONAT ^[1] - 37:18 Monday ^[5] - 13:11, 13:12, 41:4, 88:12, 131:15 monitoring ^[2] - 32:3, 32:5 month ^[5] - 7:24, 14:16, 14:17, 24:14, 128:9 months ^[13] - 6:13, 6:16, 6:24, 6:25, 7:1, 20:4, 25:9, 33:8, 40:11, 68:11, 118:11, 130:1, 141:1 mood ^[1] - 3:17 moot ^[2] - 46:18, 144:14 morning ^[11] - 3:3, 3:5, 3:6, 3:8, 3:10, 42:4, 74:16, 82:5, 124:14, 125:14, 135:14 MORRIS ^[1] - 2:5 Mortgage ^[1] - 36:2 most ^[24] - 27:7, 29:2, 31:23, 38:18, 43:1, 44:4, 50:4, 56:5, 56:7, 68:24, 71:9, 74:8, 79:13, 80:24, 81:13, 83:4, 96:24, 108:24, 109:21, 111:21, 124:3, 133:11 mostly ^[2] - 34:21, 83:7 mother ^[1] - 73:11 motion ^[27] - 11:21, 11:24, 15:1, 35:25, 36:9, 42:14, 42:22, 42:23, 43:1, 43:4,	43:6, 43:8, 56:5, 99:20, 103:5, 103:18, 103:24, 103:25, 107:11, 107:19, 108:7, 108:10, 128:14, 129:12, 138:6, 139:23, 139:24 motions ^[18] - 4:20, 7:13, 11:10, 11:11, 12:25, 13:1, 14:22, 14:25, 16:21, 17:1, 18:9, 18:10, 18:13, 27:7, 35:23, 36:9, 42:20, 46:17 move ^[7] - 8:22, 12:25, 64:4, 74:4, 111:24, 112:17, 112:25 moving ^[2] - 16:17, 30:8 MR ^[165] - 8:1, 8:12, 8:24, 9:5, 9:19, 9:23, 10:12, 10:15, 11:3, 15:22, 16:1, 16:16, 17:12, 18:6, 18:18, 19:6, 19:20, 20:22, 21:22, 24:23, 24:25, 25:20, 25:24, 26:2, 28:9, 30:22, 41:8, 41:9, 44:11, 44:21, 45:3, 45:22, 46:11, 50:9, 50:14, 51:1, 52:1, 52:12, 55:24, 56:2, 57:13, 60:15, 60:24, 61:22, 62:5, 65:11, 65:16, 65:19, 65:23, 67:10, 68:10, 70:16, 74:15, 74:21, 75:9, 75:14, 75:18, 75:25, 79:12, 79:17, 80:10, 80:14, 81:9, 81:12, 82:3, 82:14, 82:22, 83:2, 83:12, 84:14, 84:25, 85:21, 86:11, 87:1, 87:21, 87:25, 88:10, 88:14, 88:18, 89:3, 90:9, 91:2, 91:9, 91:18, 92:2, 93:13, 94:12, 95:11, 96:14, 96:20, 96:22, 97:12, 98:11, 99:21, 99:24, 100:23, 103:22, 104:14, 106:2, 106:5, 108:11, 109:23, 111:19, 112:11, 113:2, 113:11, 113:13, 114:3, 115:5, 115:10, 115:18, 116:13, 116:15,	116:20, 119:12, 119:21, 120:5, 120:25, 121:7, 121:14, 121:18, 122:1, 123:11, 124:24, 125:18, 125:20, 126:9, 126:13, 126:17, 126:19, 127:16, 128:2, 128:5, 128:17, 129:5, 129:8, 129:13, 129:14, 129:16, 129:18, 130:8, 131:2, 131:4, 131:9, 131:13, 132:1, 132:7, 132:17, 132:21, 132:24, 133:3, 133:8, 133:9, 133:20, 134:18, 136:3, 136:7, 136:24, 139:9, 140:1, 140:5, 141:17, 143:10, 143:14, 144:17 MS ^[61] - 17:15, 18:20, 19:25, 20:18, 22:18, 46:19, 47:1, 48:1, 48:4, 48:17, 48:20, 49:12, 50:3, 50:7, 50:17, 50:21, 51:9, 51:14, 51:24, 55:17, 57:25, 58:8, 58:14, 59:11, 60:3, 60:5, 60:16, 60:18, 61:4, 66:3, 67:4, 67:21, 67:24, 69:7, 69:24, 70:1, 71:24, 72:18, 73:22, 74:6, 74:20, 76:25, 78:12, 78:18, 79:6, 79:9, 79:21, 79:25, 80:4, 80:21, 82:5, 82:11, 137:2, 137:23, 138:9, 138:13, 138:24, 139:4, 143:17, 143:22, 144:15 Multidistrict ^[1] - 33:20 multiple ^[4] - 8:14, 70:4, 70:17, 134:4 must ^[1] - 38:24 mute ^[3] - 61:24, 62:2, 103:14 Mylan ^[6] - 2:25, 82:13, 82:15, 82:17, 82:21
N				
Nakul ^[1] - 80:10				

<p>NAKUL ^[1] - 2:18 name ^[1] - 134:15 names ^[6] - 40:6, 40:13, 40:18, 41:2, 41:4, 41:5 Naomi ^[1] - 10:21 Napolitano ^[1] - 10:7 narrow ^[3] - 59:4, 64:19, 106:24 narrowed ^[1] - 128:4 narrowness ^[1] - 107:2 national ^[6] - 92:14, 92:15, 93:15, 101:12, 109:1, 117:8 nationals ^[10] - 101:3, 101:12, 108:19, 108:21, 108:24, 109:20, 111:13, 117:7, 118:4, 127:17 nature ^[2] - 27:15, 92:9 nauseam ^[1] - 145:24 NDMA ^[1] - 71:3 NE ^[1] - 2:11 near ^[1] - 36:7 necessarily ^[4] - 32:9, 59:22, 66:21, 134:25 necessary ^[12] - 31:1, 41:17, 47:10, 59:22, 92:8, 92:17, 97:23, 121:25, 126:1, 130:3, 144:7 need ^[57] - 4:14, 8:3, 9:1, 10:25, 11:6, 11:12, 11:23, 12:5, 12:16, 13:16, 13:19, 14:11, 14:23, 16:25, 17:2, 17:16, 17:18, 17:19, 18:5, 21:8, 23:5, 23:6, 23:23, 23:25, 24:4, 26:3, 28:2, 28:3, 28:17, 34:8, 44:16, 45:20, 53:13, 63:1, 69:18, 79:24, 85:25, 88:21, 89:5, 89:11, 104:8, 104:25, 109:1, 111:23, 116:14, 119:6, 123:18, 126:1, 128:16, 128:18, 130:5, 133:8, 136:1, 140:12, 142:6, 144:1, 146:2 needed ^[3] - 12:1, 79:1, 118:11 needs ^[3] - 31:19, 112:3, 115:13 negotiate ^[3] - 57:17,</p>	<p>57:18, 57:20 negotiated ^[2] - 62:9, 76:1 negotiating ^[1] - 83:5 negotiations ^[1] - 85:4 neutral ^[1] - 99:14 never ^[8] - 22:6, 32:18, 52:6, 118:20, 131:5, 145:8, 145:10, 145:16 NEW ^[1] - 1:1 new ^[16] - 4:9, 6:14, 20:13, 23:14, 26:9, 31:5, 32:16, 32:24, 33:5, 34:23, 70:4, 70:7, 141:15, 141:22, 142:23 New ^[13] - 1:13, 2:4, 2:22, 3:24, 4:25, 5:7, 5:10, 6:23, 7:12, 28:21, 29:19, 33:3, 101:5 Newcombe ^[1] - 10:20 NEWCOMBE ^[1] - 10:21 news ^[1] - 5:25 next ^[31] - 7:1, 7:24, 8:5, 13:22, 16:22, 24:14, 27:1, 29:6, 33:12, 45:9, 60:4, 60:5, 60:17, 60:18, 61:3, 61:4, 84:25, 96:18, 100:22, 100:24, 111:24, 113:12, 113:13, 114:4, 115:18, 116:21, 119:22, 127:15, 127:25, 128:9, 128:10 Nigh ^[2] - 19:6, 21:22 NIGH ^[4] - 1:18, 19:6, 19:20, 21:22 night ^[6] - 3:15, 29:16, 47:24, 74:16, 110:18, 111:2 nine ^[6] - 8:21, 8:22, 8:23, 8:25, 9:2, 9:7 nitrosamine ^[6] - 49:10, 70:9, 70:17, 72:4, 72:25, 85:19 nitrosamines ^[3] - 72:23, 73:2, 85:16 NJ ^[1] - 2:19 Noble ^[1] - 9:11 NOBLE ^[1] - 9:11 noise ^[2] - 61:25, 103:14 none ^[3] - 39:4, 39:7, 85:25 nonissue ^[1] - 123:1</p>	<p>nonresponsive ^[1] - 145:19 normal ^[3] - 76:22, 104:11, 140:7 normally ^[1] - 4:4 Northeast ^[1] - 3:16 Nos ^[1] - 83:19 note ^[5] - 30:23, 59:13, 61:8, 64:3, 69:11 noted ^[4] - 35:8, 36:12, 47:17, 106:12 notes ^[4] - 43:14, 43:23, 135:15, 135:21 nothing ^[7] - 20:12, 24:23, 41:8, 70:11, 82:21, 140:19, 146:10 notice ^[52] - 12:4, 49:14, 49:16, 49:18, 49:23, 50:3, 50:10, 50:15, 50:22, 55:19, 56:20, 56:22, 60:7, 60:23, 61:1, 62:7, 62:8, 63:4, 65:15, 65:16, 66:16, 67:20, 67:25, 68:16, 72:16, 72:21, 72:24, 73:21, 74:9, 74:25, 75:9, 75:10, 77:1, 77:2, 78:13, 78:19, 79:8, 79:24, 80:22, 81:8, 81:16, 82:19, 89:25, 93:10, 94:1, 94:8, 94:10, 94:11, 95:4, 117:25, 128:20 noticed ^[1] - 77:5 notices ^[29] - 44:18, 45:1, 45:5, 45:19, 45:24, 46:1, 46:4, 47:4, 48:24, 48:25, 49:19, 50:1, 56:25, 57:15, 60:9, 60:14, 67:14, 70:4, 70:7, 70:15, 74:1, 76:16, 77:15, 88:6, 105:18, 128:25, 131:15, 133:25, 135:2 noting ^[4] - 27:24, 36:13, 60:21, 77:13 notion ^[2] - 21:11, 117:12 notwithstanding ^[2] - 27:20, 92:12 Novartis ^[3] - 53:3, 54:10, 54:12 Novartis's ^[1] - 53:4 November ^[26] - 1:6, 3:1, 14:24, 16:23,</p>	<p>17:3, 18:4, 18:15, 40:5, 40:7, 40:12, 47:16, 47:25, 48:22, 48:23, 50:12, 51:23, 62:24, 70:21, 72:16, 73:17, 133:10, 141:4, 141:5, 141:24, 141:25, 142:2 nowhere ^[1] - 36:7 nuance ^[1] - 45:11 nuances ^[1] - 102:11 NUMBER ^[1] - 1:3 Number ^[2] - 7:9, 7:10 number ^[32] - 23:8, 33:16, 38:15, 50:13, 52:1, 54:8, 61:5, 61:8, 65:10, 68:5, 69:25, 80:14, 80:21, 86:13, 108:22, 112:3, 113:17, 113:18, 113:20, 115:20, 117:20, 128:14, 128:17, 128:25, 129:18, 129:19, 130:15, 130:18, 130:19, 130:22, 131:22, 135:6 numbers ^[5] - 23:5, 24:11, 50:13, 81:22, 130:4 Numeral ^[3] - 13:9, 62:4, 67:23 NY ^[1] - 2:22</p>	<p>140:22, 141:2, 141:15 obligated ^[2] - 17:22, 76:6 obligates ^[1] - 68:2 obligation ^[3] - 77:3, 94:3, 134:8 obscure ^[1] - 132:7 observation ^[2] - 97:13, 97:22 obtain ^[1] - 52:7 obtained ^[1] - 53:22 obvious ^[3] - 124:24, 125:10, 136:14 obviously ^[14] - 16:17, 21:18, 28:10, 42:5, 43:18, 63:7, 71:21, 73:13, 98:9, 99:2, 134:8, 134:17, 139:15, 144:18 occasion ^[1] - 35:2 occasions ^[1] - 8:15 occupied ^[1] - 88:2 occur ^[1] - 123:5 occurred ^[3] - 52:4, 54:11, 106:9 occurring ^[2] - 52:21, 117:2 occurs ^[2] - 102:20, 103:8 October ^[3] - 6:14, 18:13, 22:21 OF ^[1] - 1:1 off-the-record ^[1] - 25:11 offensive ^[4] - 121:5, 121:18, 121:20, 122:5 offer ^[1] - 145:3 officer ^[4] - 93:1, 93:25, 98:14, 134:6 Official ^[1] - 1:22 often ^[2] - 64:3, 123:19 once ^[6] - 4:17, 4:21, 9:16, 63:21, 116:10, 133:4 one ^[72] - 5:6, 11:16, 21:22, 30:2, 31:19, 31:23, 34:19, 34:20, 36:22, 37:8, 37:11, 37:19, 37:23, 37:25, 38:13, 38:16, 38:17, 44:3, 49:12, 50:8, 51:2, 51:12, 52:17, 58:22, 58:23, 58:24, 63:20, 71:4, 71:25, 72:18, 74:7, 75:16, 78:7, 78:24, 79:11, 80:16, 84:5, 89:13,</p>
--	---	---	--	--

O

object ^[7] - 25:16, 25:18, 40:24, 78:10, 78:13, 96:9, 126:1
objected ^[4] - 35:3, 86:1, 96:17, 109:9
objection ^[35] - 8:11, 9:4, 9:6, 10:10, 36:22, 42:23, 43:6, 43:8, 44:9, 44:20, 49:22, 51:5, 51:11, 60:24, 67:1, 71:22, 73:10, 78:20, 83:19, 83:24, 85:1, 86:13, 88:24, 96:7, 96:11, 101:19, 102:15, 102:16, 104:7, 104:12, 141:15, 142:4, 142:11, 142:23, 142:24
objections ^[14] - 5:6, 41:2, 88:2, 88:9, 89:22, 89:25, 90:14, 105:19, 140:14,

<p>90:22, 91:25, 92:1, 96:2, 98:2, 99:7, 102:23, 103:3, 105:9, 107:1, 107:21, 108:6, 108:22, 110:17, 112:24, 113:3, 115:22, 115:25, 120:6, 122:10, 124:14, 129:16, 132:2, 137:3, 137:5, 140:7, 140:13, 140:19, 142:7</p> <p>One [1] - 2:24</p> <p>ones [8] - 3:22, 24:12, 50:2, 55:4, 64:15, 64:17, 64:19, 75:22</p> <p>ongoing [1] - 85:1</p> <p>open [8] - 5:1, 5:24, 6:8, 18:23, 27:25, 81:15, 104:3</p> <p>operate [1] - 103:19</p> <p>operating [5] - 52:23, 61:7, 61:9, 62:15, 63:10</p> <p>operations [1] - 76:12</p> <p>opinion [4] - 6:20, 47:17, 48:22, 93:24</p> <p>opinions [1] - 14:12</p> <p>opportunity [4] - 24:8, 25:17, 41:6, 144:12</p> <p>opposed [4] - 19:14, 78:22, 83:8, 98:23</p> <p>opposition [3] - 7:11, 18:14, 18:17</p> <p>oppositions [1] - 18:16</p> <p>oral [3] - 47:17, 48:22, 65:24</p> <p>order [83] - 5:6, 7:22, 7:24, 8:22, 9:13, 9:17, 11:9, 11:14, 11:17, 11:18, 11:23, 13:10, 14:12, 18:4, 27:12, 29:4, 29:7, 42:12, 42:15, 43:6, 43:13, 43:15, 45:6, 46:16, 47:6, 47:20, 47:24, 48:4, 48:13, 48:23, 49:2, 49:4, 51:23, 52:6, 52:11, 52:13, 53:10, 54:15, 55:16, 55:19, 57:10, 57:24, 58:1, 58:2, 58:10, 58:18, 59:13, 59:14, 60:11, 60:20, 60:23, 60:25, 61:1, 62:5, 63:9, 70:18, 72:12, 72:16, 73:8, 73:10, 73:17, 79:19,</p>	<p>88:7, 93:3, 93:17, 94:17, 94:23, 97:19, 100:14, 103:25, 112:16, 122:17, 122:25, 123:9, 127:2, 127:4, 131:14, 131:15, 131:16, 137:8, 138:7, 139:21, 139:23</p> <p>ordered [2] - 88:8, 93:7</p> <p>orders [5] - 4:8, 7:16, 9:2, 12:6, 32:10</p> <p>ordinary [9] - 75:3, 75:23, 76:10, 76:20, 77:5, 77:22, 78:8, 78:9, 93:9</p> <p>original [3] - 38:11, 91:20, 91:21</p> <p>originally [1] - 91:19</p> <p>originated [2] - 4:25, 7:12</p> <p>Orleans [1] - 2:4</p> <p>ornery [1] - 3:12</p> <p>otherwise [2] - 11:19, 96:23</p> <p>ouch [1] - 133:2</p> <p>ought [3] - 24:7, 133:6, 138:23</p> <p>outside [1] - 54:25</p> <p>outstanding [1] - 80:16</p> <p>overall [3] - 97:13, 106:11, 107:1</p> <p>overarching [1] - 140:15</p> <p>overburdening [1] - 27:6</p> <p>overlap [1] - 97:16</p> <p>overnight [2] - 4:9, 110:21</p> <p>overruled [1] - 67:2</p> <p>own [6] - 55:3, 62:22, 77:21, 81:3, 85:17, 138:19</p> <p>owned [1] - 76:11</p> <p>Oxford [1] - 2:24</p>	<p>122:19, 123:21</p> <p>Page [19] - 7:18, 8:21, 9:16, 10:9, 46:9, 50:21, 56:3, 56:11, 57:3, 60:10, 62:7, 62:25, 70:21, 74:25, 75:9, 91:11, 140:21</p> <p>pages [1] - 56:21</p> <p>pandemic [5] - 5:13, 5:19, 33:14, 97:6, 118:5</p> <p>PAPANTONIO [1] - 1:17</p> <p>papers [2] - 15:1, 74:16</p> <p>paragraph [11] - 48:12, 48:14, 48:16, 49:6, 51:11, 51:14, 51:15, 60:10, 60:13, 75:7, 102:24</p> <p>Paragraph [8] - 13:9, 47:21, 48:5, 51:22, 58:17, 66:16, 70:18, 73:9</p> <p>paragraphs [5] - 50:23, 51:13, 52:9, 57:8, 58:6</p> <p>Paragraphs [1] - 49:5</p> <p>parameters [2] - 47:5, 49:2</p> <p>Parekh [3] - 136:3, 136:8, 139:9</p> <p>PAAREKH [4] - 136:7, 136:24, 139:9, 140:1</p> <p>Parkway [2] - 1:12, 2:15</p> <p>part [13] - 21:16, 40:4, 55:10, 63:17, 71:5, 77:18, 81:13, 100:4, 119:23, 142:4, 142:25, 145:10</p> <p>participate [2] - 34:6, 97:9</p> <p>participating [2] - 92:19, 100:5</p> <p>participation [1] - 100:7</p> <p>particular [10] - 61:15, 69:17, 81:13, 90:23, 95:22, 98:3, 100:16, 123:17, 136:9, 142:3</p> <p>particularity [4] - 47:8, 61:11, 66:5, 69:14</p> <p>particularly [5] - 6:19, 101:13, 101:15, 120:6, 122:8</p> <p>parties [35] - 4:24, 11:4, 26:14, 26:21, 27:5, 28:4, 31:11,</p>	<p>36:23, 37:2, 38:24, 43:19, 71:15, 77:14, 85:3, 86:14, 91:23, 94:24, 95:1, 97:20, 100:24, 108:5, 112:20, 113:15, 114:15, 120:22, 123:3, 123:15, 123:21, 124:17, 127:20, 130:10, 135:11, 135:18, 140:12, 144:5</p> <p>PARTIES [1] - 3:1</p> <p>parties' [2] - 46:4, 146:3</p> <p>Parts [1] - 38:9</p> <p>party [13] - 32:3, 38:8, 45:9, 63:16, 64:22, 68:14, 68:15, 69:5, 77:5, 93:8, 94:2, 95:16</p> <p>party's [1] - 103:12</p> <p>pass [1] - 46:12</p> <p>passed [2] - 33:20, 76:21</p> <p>past [5] - 34:7, 40:3, 52:13, 94:21, 105:17</p> <p>patent [3] - 37:24, 37:25, 38:8</p> <p>path [1] - 26:14</p> <p>patience [1] - 122:22</p> <p>Patrick [1] - 9:10</p> <p>Paul [1] - 10:4</p> <p>PAUL [1] - 10:5</p> <p>pay [2] - 39:3, 39:11</p> <p>payers [2] - 38:8, 38:10</p> <p>payor [1] - 32:3</p> <p>PC [1] - 1:14</p> <p>peaks [4] - 48:8, 53:23, 54:22, 59:19</p> <p>penalties [2] - 92:20, 106:22</p> <p>pending [4] - 8:25, 31:24, 33:10, 38:18</p> <p>Pennsylvania [2] - 1:16, 2:7</p> <p>Pensacola [1] - 1:19</p> <p>people [19] - 3:11, 4:1, 6:1, 6:9, 6:11, 7:19, 32:6, 39:25, 44:24, 54:3, 54:4, 55:1, 55:6, 61:23, 98:21, 110:6, 111:1, 111:23, 126:13</p> <p>per [4] - 27:12, 29:6, 72:6, 130:4</p> <p>percent [5] - 107:1, 115:3, 115:4, 118:19</p> <p>perfect [1] - 103:18</p>	<p>perfectly [5] - 69:9, 87:19, 102:20, 104:10, 120:4</p> <p>perform [1] - 34:4</p> <p>performed [6] - 34:2, 56:13, 83:22, 84:1, 86:20</p> <p>performing [1] - 35:10</p> <p>perhaps [8] - 14:24, 19:1, 24:15, 32:25, 57:8, 127:20, 141:7</p> <p>period [5] - 6:18, 41:1, 60:19, 60:21, 132:25</p> <p>permissive [1] - 108:24</p> <p>permit [3] - 7:15, 18:25, 109:2</p> <p>permits [1] - 108:25</p> <p>person [13] - 30:3, 32:17, 32:24, 67:19, 68:7, 83:16, 92:12, 93:2, 93:3, 93:4, 93:11, 99:9, 116:10</p> <p>personal [15] - 4:19, 4:20, 5:4, 5:8, 7:13, 15:10, 23:3, 27:13, 32:2, 38:5, 38:14, 94:22, 94:24, 95:1, 95:14</p> <p>personally [1] - 132:18</p> <p>personnel [1] - 34:18</p> <p>persons [1] - 67:20</p> <p>perspective [5] - 16:24, 18:6, 23:7, 39:3, 39:15</p> <p>pertaining [3] - 31:4, 31:5, 73:25</p> <p>pertains [1] - 66:1</p> <p>Pharma [4] - 2:13, 2:16, 2:16</p> <p>Pharmaceutical [1] - 2:12</p> <p>Pharmaceuticals [1] - 2:12</p> <p>phase [3] - 26:9, 27:10, 29:2</p> <p>phased [1] - 11:12</p> <p>Philadelphia [2] - 1:16, 2:7</p> <p>Philippines [1] - 112:19</p> <p>phone [8] - 4:5, 25:23, 62:2, 79:20, 80:9, 103:14, 131:8, 140:10</p> <p>phones [1] - 61:23</p> <p>phrased [2] - 30:7, 78:8</p> <p>phrasing [4] - 68:16,</p>
--	--	---	--	---

<p>70:16, 72:24, 82:23 pick^[6] - 19:10, 20:13, 23:14, 23:19, 31:8, 130:19 picked^[4] - 19:8, 19:12, 19:13, 91:10 picking^[5] - 19:11, 19:15, 19:17, 31:8, 130:17 picks^[13] - 19:11, 19:15, 19:17, 19:22, 20:9, 22:2, 22:4, 22:6, 22:7, 22:14, 22:15, 22:17 picture^[1] - 73:19 piece^[3] - 30:10, 30:11, 96:24 Piedmont^[1] - 2:11 PIETRAGALLO^[1] - 2:23 pill^[2] - 70:24, 72:6 pills^[3] - 71:1, 71:11, 72:9 Pittman^[1] - 9:8 PITTMAN^[1] - 9:8 Pittsburgh^[1] - 2:25 place^[8] - 4:15, 27:14, 46:10, 91:7, 97:20, 112:19, 112:21, 122:10 placeholders^[1] - 98:8 places^[1] - 70:18 plain^[1] - 98:20 plaintiff^[34] - 9:4, 10:13, 11:22, 19:15, 21:15, 22:6, 22:14, 22:19, 22:22, 23:3, 23:13, 23:18, 23:19, 25:16, 26:20, 49:13, 49:24, 67:25, 77:24, 81:6, 92:25, 93:7, 93:25, 100:11, 101:9, 103:9, 104:9, 104:10, 106:21, 115:22, 116:18, 119:2, 130:17 Plaintiff^[4] - 1:13, 1:16, 1:19, 2:4 plaintiffs^[106] - 8:13, 8:19, 9:5, 9:21, 9:23, 10:15, 11:16, 12:21, 13:11, 13:15, 13:20, 13:24, 14:2, 15:9, 15:21, 20:3, 20:14, 21:1, 21:12, 21:15, 21:17, 23:2, 23:14, 27:13, 28:8, 30:7, 38:10, 41:10, 42:13, 46:25, 49:16, 59:15,</p>	<p>59:23, 62:19, 63:1, 63:3, 66:21, 68:2, 69:10, 69:13, 70:3, 70:5, 70:7, 77:8, 84:9, 91:14, 92:6, 92:10, 94:1, 96:4, 96:6, 96:7, 96:12, 96:16, 98:11, 99:3, 99:16, 99:17, 99:18, 99:23, 100:5, 100:13, 100:14, 100:21, 102:9, 102:22, 102:25, 106:7, 106:17, 106:18, 107:14, 107:16, 109:8, 109:15, 110:2, 111:12, 112:14, 112:22, 113:25, 114:17, 114:23, 115:15, 117:21, 122:11, 123:25, 124:3, 124:6, 124:14, 127:1, 127:2, 131:19, 132:16, 133:8, 135:8, 139:24, 140:6, 141:13, 141:23, 143:14, 145:11, 146:2 plaintiffs'^[30] - 8:13, 8:14, 8:25, 12:24, 14:9, 14:13, 14:15, 14:17, 16:8, 16:24, 17:18, 19:8, 24:8, 27:25, 30:18, 39:24, 43:23, 47:19, 49:25, 80:15, 80:17, 80:22, 81:1, 82:17, 83:5, 96:10, 109:13, 132:25, 135:24 plan^[3] - 5:14, 5:17, 19:9 planners^[1] - 19:10 plastic^[1] - 66:13 play^[3] - 45:7, 55:15, 101:8 pleading^[1] - 26:12 plenty^[1] - 117:12 plus^[2] - 20:3, 119:3 point^[44] - 23:22, 26:5, 26:10, 27:8, 27:16, 30:9, 30:23, 40:21, 41:24, 42:21, 44:13, 45:14, 45:16, 50:19, 56:1, 56:2, 57:1, 58:10, 61:17, 61:18, 64:23, 65:9, 66:17, 69:1, 95:19, 96:6, 98:3, 99:24, 103:9, 105:25,</p>	<p>110:8, 113:19, 114:4, 115:14, 117:18, 123:11, 128:6, 129:23, 132:13, 136:17, 137:24, 144:18 point-by-point^[1] - 61:18 pointed^[4] - 56:23, 57:9, 114:8 pointedly^[1] - 55:7 pointing^[1] - 71:7 points^[3] - 103:17, 131:24, 145:24 polestar^[1] - 57:23 policies^[4] - 61:7, 61:9, 61:16, 61:19 pool^[4] - 22:12, 22:13, 23:18, 23:24 pops^[1] - 105:14 portion^[5] - 41:23, 58:23, 58:24, 58:25, 74:12 position^[25] - 11:21, 24:2, 30:18, 32:21, 66:23, 66:25, 68:4, 69:8, 72:21, 73:13, 74:9, 76:19, 76:25, 80:23, 99:1, 100:11, 100:12, 100:18, 100:20, 102:20, 102:24, 107:16, 111:16, 120:21, 138:20 positions^[3] - 97:21, 103:12, 146:3 positive^[1] - 80:13 possession^[9] - 54:19, 75:3, 77:4, 77:21, 78:5, 78:9, 78:23, 79:3, 84:15 possibilities^[1] - 120:14 possibility^[3] - 114:17, 137:24, 138:2 possible^[7] - 14:8, 58:10, 68:22, 81:25, 94:13, 134:12, 134:16 possibly^[2] - 39:1, 81:14 post^[1] - 34:5 post-trial^[1] - 34:5 potential^[13] - 15:8, 28:4, 49:10, 70:8, 70:10, 70:13, 70:15, 70:16, 70:20, 72:3, 72:4, 72:9 potentially^[8] - 71:17,</p>	<p>97:6, 123:13, 136:4, 137:25, 142:13, 142:17, 145:18 Powder^[1] - 37:10 powers^[1] - 36:24 practicable^[1] - 13:4 practical^[6] - 13:3, 108:17, 110:4, 131:9, 142:9, 143:11 practically^[1] - 142:20 practice^[6] - 18:25, 28:21, 35:9, 36:10, 108:20, 116:2 practices^[4] - 33:25, 62:16, 63:2, 122:21 precedential^[1] - 36:5 preceding^[1] - 83:18 prefer^[2] - 19:16, 104:23 preferable^[1] - 15:11 prejudiced^[1] - 130:22 prejudicial^[1] - 126:25 preliminaries^[1] - 29:1 preliminary^[1] - 26:11 premature^[2] - 112:17, 129:20 prepare^[4] - 47:9, 61:12, 68:8, 70:12 prepared^[4] - 66:6, 68:19, 103:11, 124:9 preparing^[2] - 68:5, 68:7 presence^[2] - 72:22, 72:25 present^[4] - 45:25, 73:14, 107:3, 144:12 presented^[1] - 73:23 preserve^[5] - 95:2, 102:8, 102:14, 113:19, 113:23 preserved^[1] - 96:23 preserving^[2] - 94:21, 96:8 preside^[1] - 31:3 presided^[1] - 27:15 presiding^[1] - 31:3 pressing^[2] - 44:10, 44:12 presumably^[5] - 87:10, 109:13, 134:6, 138:17, 138:20 presumptive^[1] - 131:1 pretrial^[4] - 31:21, 34:4, 34:6, 38:20</p>	<p>pretty^[3] - 4:2, 43:3, 65:20 prevent^[1] - 66:10 preview^[2] - 124:25, 125:8 previous^[2] - 23:17, 67:6 previously^[1] - 26:3 price^[1] - 69:11 prices^[1] - 38:3 pricing^[1] - 68:22 prima^[2] - 69:20, 112:25 primarily^[2] - 34:2, 77:21 princeton^[1] - 2:19 principal^[1] - 37:23 principles^[1] - 47:11 Prinston^[4] - 74:23, 76:14, 77:19, 77:20 priority^[1] - 98:4 privacy^[2] - 101:16, 105:6 privilege^[4] - 102:16, 104:11, 106:14, 145:6 proactively^[1] - 137:15 problem^[21] - 14:6, 17:13, 25:6, 53:3, 54:24, 56:23, 57:14, 57:16, 78:18, 81:25, 88:21, 103:10, 112:9, 119:1, 126:4, 127:5, 127:8, 130:6, 132:23, 143:21 problematic^[2] - 20:7, 131:8 problems^[5] - 55:12, 108:2, 114:12, 114:14, 126:23 Procedure^[2] - 101:4, 101:11 procedures^[10] - 52:24, 61:7, 61:9, 61:16, 61:19, 62:15, 63:2, 63:10 proceed^[6] - 45:23, 126:24, 133:12, 135:8, 138:11, 138:22 proceeding^[1] - 21:11 Proceedings^[1] - 1:24 proceedings^[3] - 27:23, 28:5, 34:6 process^[34] - 4:15, 5:16, 12:5, 15:7, 20:3, 20:4, 20:17, 21:13, 21:16, 25:8,</p>
--	--	--	---	--

<p>26:20, 36:12, 52:16, 52:22, 53:6, 57:1, 63:21, 64:8, 64:25, 71:15, 85:5, 85:7, 85:9, 85:12, 86:12, 86:18, 87:4, 87:7, 87:8, 103:1, 123:14, 125:3, 130:21, 133:22</p> <p>processes [4] - 53:17, 53:24, 85:13, 86:22</p> <p>produce [9] - 17:22, 76:15, 78:21, 94:3, 106:25, 133:22, 139:7, 139:12, 139:13</p> <p>produced [12] - 1:24, 67:20, 93:10, 111:17, 131:23, 134:10, 136:10, 137:7, 137:8, 138:16, 142:15, 142:16</p> <p>produces [1] - 137:10</p> <p>producing [4] - 20:10, 96:10, 140:22, 142:12</p> <p>product [13] - 37:12, 47:14, 48:5, 48:25, 58:15, 58:16, 58:18, 58:19, 59:16, 84:6, 84:7, 127:3, 145:7</p> <p>production [11] - 20:5, 43:24, 66:15, 94:7, 104:22, 106:11, 107:2, 135:24, 137:17, 141:21, 142:5</p> <p>productions [3] - 26:17, 26:19, 68:13</p> <p>productive [3] - 80:15, 82:18, 146:7</p> <p>Products [1] - 37:18</p> <p>PRODUCTS [1] - 1:3</p> <p>products [4] - 14:1, 51:18, 51:20, 59:21</p> <p>professional [1] - 121:12</p> <p>professionally [1] - 123:4</p> <p>profits [2] - 39:19, 68:23</p> <p>progress [3] - 128:19, 128:21, 132:8</p> <p>prohibition [2] - 142:12, 142:18</p> <p>promptly [2] - 144:9, 146:4</p> <p>proof [1] - 71:5</p> <p>properly [3] - 85:19,</p>	<p>86:24, 125:25</p> <p>proportionality [3] - 145:14, 145:17, 145:22</p> <p>proposal [9] - 18:3, 21:24, 61:18, 91:15, 91:22, 112:13, 114:5, 118:1, 124:1</p> <p>propose [7] - 13:23, 21:18, 44:7, 110:11, 114:23, 124:13, 124:17</p> <p>proposed [25] - 4:7, 11:9, 13:8, 13:10, 14:14, 22:20, 42:24, 91:13, 91:14, 91:15, 92:4, 92:5, 92:23, 101:2, 108:19, 109:8, 109:9, 109:15, 110:1, 113:14, 114:16, 117:22, 123:25, 135:4, 144:25</p> <p>proposes [1] - 34:23</p> <p>proposing [1] - 115:10</p> <p>prosecutor [1] - 32:18</p> <p>protect [2] - 38:24, 69:23</p> <p>protective [3] - 103:25, 138:7, 139:23</p> <p>protocol [11] - 90:15, 94:20, 96:6, 97:17, 102:23, 111:14, 114:24, 121:15, 127:10, 145:10</p> <p>protocols [1] - 91:10</p> <p>proven [2] - 71:7, 87:6</p> <p>provide [31] - 13:13, 20:23, 20:25, 23:23, 28:18, 59:15, 66:18, 68:3, 69:13, 77:9, 77:16, 77:20, 78:2, 80:24, 81:5, 86:16, 95:3, 95:5, 95:6, 95:12, 97:8, 100:6, 106:7, 106:22, 124:1, 124:3, 124:4, 125:15, 125:25, 133:8</p> <p>provided [12] - 21:3, 42:24, 45:5, 53:20, 82:19, 87:12, 109:25, 115:11, 124:21, 132:20, 133:10, 133:14</p> <p>provides [1] - 67:18</p> <p>providing [3] - 21:2, 83:20, 107:4</p>	<p>provision [15] - 60:21, 90:15, 98:20, 100:24, 113:4, 113:24, 123:2, 124:25, 125:2, 125:4, 126:9, 126:21, 126:24, 127:5, 127:12</p> <p>provisions [2] - 98:8, 102:18</p> <p>proviso [2] - 130:25, 145:4</p> <p>prudent [1] - 138:11</p> <p>Prudential [2] - 35:13, 35:21</p> <p>public [2] - 5:23, 34:22</p> <p>pull [2] - 50:18, 73:7</p> <p>pulling [2] - 20:11, 50:14</p> <p>purchasers [3] - 38:3, 38:7, 38:10</p> <p>purely [1] - 19:8</p> <p>purity [2] - 56:14, 83:22</p> <p>purpose [4] - 12:22, 19:12, 22:16, 145:21</p> <p>purposefully [1] - 71:2</p> <p>purposes [3] - 40:7, 40:23, 84:13</p> <p>pursuant [5] - 95:4, 111:14, 135:13, 137:7, 137:11</p> <p>push [2] - 17:4, 23:4</p> <p>pushes [1] - 131:16</p> <p>put [37] - 14:18, 20:8, 24:5, 26:14, 29:10, 30:12, 55:14, 56:6, 57:5, 57:7, 57:12, 61:23, 62:2, 63:13, 68:16, 68:19, 75:15, 82:23, 98:4, 98:8, 100:10, 102:23, 103:13, 106:13, 112:4, 116:5, 118:20, 118:22, 119:4, 119:7, 119:16, 127:12, 127:25, 134:23, 135:6, 143:5, 144:1</p> <p>puts [1] - 29:14</p> <p>putting [1] - 6:24</p>	<p>117:11, 119:3</p> <p>quarantines [1] - 117:1</p> <p>questioning [2] - 104:15, 111:1</p> <p>questions [14] - 15:19, 16:2, 19:4, 30:17, 30:19, 41:9, 41:10, 54:4, 55:2, 55:3, 74:24, 104:17, 106:17, 136:16</p> <p>quick [1] - 144:18</p> <p>quickly [2] - 79:13, 83:9</p> <p>quiet [1] - 18:7</p> <p>quite [7] - 24:17, 39:8, 63:24, 65:4, 67:4, 83:24, 109:3</p> <p>quote [4] - 70:8, 74:18, 77:10, 98:15</p> <p>quotes [1] - 29:10</p> <p>quoting [1] - 62:25</p>	<p>118:8</p> <p>realistic [1] - 5:21</p> <p>reallocate [1] - 39:25</p> <p>really [44] - 3:17, 4:12, 12:22, 14:5, 21:14, 24:10, 26:9, 26:22, 27:2, 27:9, 27:13, 28:3, 31:7, 31:25, 46:13, 47:2, 47:3, 47:11, 66:4, 70:2, 70:11, 73:3, 74:6, 78:4, 91:3, 94:19, 95:23, 101:13, 104:2, 109:24, 112:1, 114:6, 115:6, 115:18, 116:21, 116:22, 120:20, 120:23, 132:13, 134:19, 135:7, 137:24, 145:13, 146:1</p> <p>reargue [1] - 16:5</p> <p>reason [6] - 73:17, 89:20, 122:6, 122:7, 129:23, 142:18</p> <p>reasonable [13] - 76:19, 97:7, 109:17, 110:6, 110:19, 110:20, 111:4, 111:23, 113:1, 113:17, 113:18, 120:4, 121:23</p> <p>reasonableness [1] - 112:5</p> <p>reasonably [1] - 56:8</p> <p>reasons [9] - 28:6, 33:2, 98:19, 105:24, 108:22, 124:25, 125:10, 126:25, 130:1</p> <p>Rebecca [1] - 10:4</p> <p>received [9] - 42:4, 132:21, 132:24, 135:2, 137:16, 137:17, 141:20, 142:2</p> <p>recent [3] - 32:25, 74:8, 83:4</p> <p>RECENTLY [1] - 141:14</p> <p>RECESS [2] - 89:15, 89:16</p> <p>recognized [2] - 53:11, 62:18</p> <p>recommendation [1] - 98:25</p> <p>reconvene [2] - 89:9, 89:12</p> <p>record [19] - 20:1, 22:18, 25:11, 29:5, 45:4, 50:9, 62:21,</p>
R				
<p>rabbit [1] - 121:22</p> <p>raise [6] - 5:4, 45:12, 83:6, 107:5, 125:22, 129:5</p> <p>raised [12] - 4:12, 4:17, 22:25, 23:1, 25:12, 38:21, 120:7, 131:24, 141:14, 141:16, 144:13</p> <p>raises [1] - 106:11</p> <p>raising [5] - 36:6, 39:20, 74:13, 74:18, 120:7</p> <p>Ralph [1] - 9:11</p> <p>Ramirez [1] - 10:2</p> <p>random [2] - 15:16, 45:5</p> <p>rare [1] - 35:2</p> <p>rarely [1] - 34:16</p> <p>RASPANTI [1] - 2:23</p> <p>rate [1] - 39:2</p> <p>rather [4] - 58:18, 64:14, 69:2, 107:25</p> <p>RE [1] - 1:3</p> <p>reach [1] - 130:10</p> <p>reached [2] - 49:17, 141:23</p> <p>reaching [1] - 33:11</p> <p>read [8] - 12:8, 27:24, 42:5, 49:4, 54:18, 55:23, 74:15</p> <p>reading [2] - 59:12, 125:15</p> <p>real [5] - 23:25, 50:21, 104:14, 105:14,</p>				
Q				
<p>quaint [1] - 36:10</p> <p>qualify [1] - 142:4</p> <p>quality [1] - 53:23</p> <p>quarantine [3] - 117:9,</p>				

62:24, 63:15, 82:17, 87:22, 87:24, 89:19, 90:7, 111:12, 119:14, 131:19, 131:20, 144:1 recorded ^[1] - 1:24 records ^[2] - 139:13, 139:14 recourse ^[1] - 99:11 recurrent ^[1] - 98:7 redact ^[1] - 137:12 redacted ^[3] - 105:10, 138:5, 139:3 redactions ^[5] - 136:11, 136:13, 137:9, 137:17, 138:16 redline ^[2] - 42:24, 83:13 redlined ^[1] - 56:21 redlines ^[1] - 83:4 REEFER ^[2] - 2:24, 82:14 Reefer ^[1] - 82:15 refer ^[5] - 48:16, 58:11, 72:22, 83:18, 85:4 reference ^[2] - 61:5, 70:14 referenced ^[3] - 48:5, 61:19, 75:2 references ^[1] - 50:23 referral ^[2] - 33:18, 35:21 referred ^[2] - 36:22, 110:12 referring ^[6] - 51:12, 52:9, 60:19, 75:8, 78:8, 83:16 reflect ^[2] - 33:24, 92:9 reflected ^[2] - 32:9, 82:19 refreshing ^[2] - 63:21, 64:2 refuse ^[1] - 98:5 regard ^[12] - 42:18, 43:12, 47:14, 52:3, 62:25, 65:1, 67:1, 67:3, 73:20, 78:7, 86:17, 119:23 regarding ^[15] - 28:19, 40:6, 48:7, 49:9, 49:10, 53:23, 54:21, 59:16, 70:8, 77:9, 90:15, 120:9, 122:3, 136:5, 140:21 regardless ^[1] - 56:14 regrettably ^[1] - 120:15	regulatory ^[6] - 49:7, 54:16, 59:14, 60:6, 60:12, 87:14 reiterate ^[2] - 48:5, 145:13 reiterated ^[1] - 28:16 reiterates ^[1] - 140:12 reject ^[1] - 35:6 relate ^[2] - 63:12, 85:9 related ^[5] - 14:7, 36:6, 36:8, 36:16, 83:7 relating ^[4] - 47:3, 61:14, 61:20, 145:6 relation ^[1] - 86:20 relationship ^[3] - 74:22, 85:10, 87:3 relative ^[1] - 106:11 relatively ^[3] - 103:7, 109:3, 136:14 relaxed ^[2] - 117:5, 118:12 release ^[1] - 138:1 relevant ^[15] - 54:9, 54:16, 59:1, 59:6, 59:8, 59:15, 60:18, 60:21, 71:21, 78:5, 84:8, 84:10, 85:16, 87:17 reliance ^[1] - 105:10 relies ^[1] - 33:16 relisted ^[1] - 10:17 rely ^[2] - 35:13, 71:6 remain ^[1] - 35:6 remaining ^[4] - 9:25, 82:15, 86:19, 88:1 remember ^[5] - 7:9, 12:2, 34:11, 121:1, 133:10 remembers ^[1] - 71:13 remind ^[2] - 61:23, 101:23 remove ^[1] - 8:3 removed ^[3] - 7:22, 8:6, 113:4 rendered ^[2] - 47:16, 94:23 rendering ^[1] - 93:23 reopening ^[1] - 6:4 rep ^[2] - 71:18, 131:15 repeat ^[1] - 142:3 repeated ^[1] - 134:19 repeating ^[1] - 139:6 replicated ^[1] - 29:24 replies ^[4] - 14:25, 16:23, 18:4, 18:15 reply ^[4] - 14:23, 17:3, 18:16, 136:18 report ^[3] - 14:20, 17:21, 137:6	reported ^[1] - 36:18 REPORTER ^[1] - 89:8 Reporter ^[1] - 1:22 reports ^[11] - 12:11, 13:13, 14:9, 14:13, 14:19, 16:8, 16:10, 17:22, 136:9, 137:5, 139:2 represent ^[1] - 11:21 representation ^[1] - 77:9 representative ^[3] - 93:8, 94:18, 134:5 representatives ^[6] - 27:12, 52:19, 76:15, 131:14, 132:25, 133:12 represented ^[1] - 81:3 represents ^[3] - 11:16, 11:22, 68:1 reps ^[4] - 44:15, 44:17, 133:11, 134:16 Request ^[4] - 58:11, 62:8, 83:13, 85:1 request ^[16] - 9:1, 48:14, 49:18, 56:9, 56:20, 58:13, 62:6, 63:8, 65:4, 84:21, 86:1, 101:11, 139:15, 140:8, 141:21 request-by-request ^[1] - 140:8 requesting ^[2] - 48:21, 78:21 requests ^[27] - 42:19, 43:2, 49:6, 55:6, 61:5, 61:14, 64:8, 65:7, 67:6, 67:16, 67:24, 72:3, 76:14, 76:17, 83:15, 83:19, 84:2, 84:16, 85:4, 85:19, 86:16, 105:17, 137:11, 142:5, 142:14, 142:16 require ^[3] - 21:20, 42:19, 99:19 required ^[10] - 13:23, 26:23, 28:3, 38:22, 39:9, 66:5, 69:14, 77:12, 78:16, 137:11 requirements ^[2] - 11:24, 32:23 requires ^[3] - 42:21, 79:2, 125:2 requiring ^[3] - 42:12, 124:25, 125:15 requisite ^[2] - 47:7,	100:6 research ^[2] - 138:2, 139:15 reside ^[2] - 98:21, 135:1 resident ^[1] - 93:2 resides ^[1] - 115:13 residing ^[1] - 113:8 resolution ^[1] - 60:9 resolutions ^[1] - 88:3 resolve ^[9] - 7:22, 8:4, 27:6, 40:2, 85:3, 124:18, 141:3, 142:10, 142:21 resolved ^[5] - 26:23, 60:8, 60:16, 74:4, 104:8 respect ^[14] - 26:24, 27:11, 68:17, 80:25, 82:21, 83:12, 86:12, 90:17, 108:25, 117:13, 122:20, 128:20, 144:20, 144:22 respectfully ^[1] - 73:5 respond ^[4] - 18:9, 30:21, 77:17, 144:8 RESPONSE ^[3] - 3:5, 3:8, 89:14 response ^[15] - 21:23, 67:20, 74:24, 77:14, 77:15, 87:18, 93:10, 94:8, 94:10, 94:11, 142:3, 142:5, 142:11, 142:15, 142:25 responses ^[4] - 20:25, 52:1, 141:19, 141:20 responsible ^[2] - 76:9, 78:3 responsive ^[2] - 87:19, 142:13 rest ^[3] - 24:9, 119:8, 123:4 restrictions ^[5] - 3:24, 109:18, 117:6, 118:3, 118:12 restrictive ^[1] - 108:25 resubmitted ^[1] - 22:21 result ^[4] - 21:18, 85:3, 86:21, 92:14 results ^[1] - 84:6 resumed ^[1] - 6:13 retail ^[1] - 6:6 retailer ^[2] - 21:7, 26:17 retailers ^[2] - 21:1, 142:17 retirement ^[2] - 31:18,	32:17 return ^[2] - 43:7, 117:10 returnable ^[1] - 9:3 returning ^[1] - 6:15 reveal ^[1] - 127:3 review ^[4] - 43:23, 68:8, 74:11, 145:18 revised ^[1] - 33:24 revisions ^[1] - 64:12 rewrite ^[1] - 35:16 Richard ^[1] - 10:1 rightly ^[1] - 66:20 rights ^[3] - 37:4, 97:10, 123:1 ring ^[1] - 86:18 ripe ^[2] - 80:18, 106:15 risk ^[4] - 118:6, 118:20, 119:9, 119:16 risks ^[1] - 86:21 Road ^[2] - 2:11, 2:18 road ^[3] - 11:13, 107:25, 119:18 ROBERT ^[1] - 1:8 robust ^[1] - 69:5 role ^[1] - 26:10 Roman ^[3] - 13:9, 62:3, 67:23 room ^[2] - 17:5, 104:16 Roseland ^[1] - 1:13 Roszel ^[1] - 2:18 rough ^[1] - 110:19 round ^[1] - 141:20 rounds ^[1] - 70:4 routed ^[1] - 31:12 routine ^[2] - 27:7, 43:3 rule ^[15] - 11:24, 34:19, 34:23, 35:3, 35:4, 35:6, 35:23, 35:25, 66:12, 106:21, 115:14, 116:3, 116:9, 137:21 Rule ^[16] - 13:2, 31:19, 33:23, 33:24, 34:1, 34:11, 35:8, 35:16, 36:15, 36:20, 38:22, 42:21, 60:23, 69:14, 105:17, 105:18 ruled ^[3] - 52:2, 60:1, 115:4 rules ^[14] - 34:12, 34:18, 34:20, 77:4, 77:12, 77:25, 78:17, 79:1, 101:5, 101:6, 101:7, 113:5, 115:12, 145:20 Rules ^[3] - 101:4,
---	--	--	--	---

<p>145:21 ruling ^[16] - 53:9, 57:6, 59:9, 65:12, 65:24, 100:19, 100:22, 101:25, 104:6, 107:12, 112:17, 119:7, 127:14, 130:18, 144:8, 146:4 rulings ^[4] - 37:1, 47:13, 63:9, 141:2 run ^[6] - 41:24, 45:25, 79:15, 108:1, 118:6, 133:18</p>	<p>51:25, 52:8, 55:18, 56:1, 57:7, 57:23, 58:1, 58:13, 58:20, 60:1, 60:4, 60:17, 61:2, 62:1, 65:8, 65:14, 65:18, 65:20, 65:25, 66:8, 67:17, 67:22, 69:16, 69:25, 71:23, 72:11, 74:2, 75:6, 75:12, 75:17, 75:20, 78:6, 78:14, 78:24, 79:7, 79:10, 79:15, 79:18, 79:23, 80:2, 80:5, 80:8, 80:12, 80:19, 81:11, 82:1, 82:4, 82:8, 82:12, 83:1, 83:11, 84:4, 84:18, 86:2, 87:16, 88:4, 88:13, 88:21, 89:4, 89:9, 89:17, 90:6, 90:22, 91:7, 91:17, 91:24, 92:24, 93:22, 95:8, 96:2, 96:19, 96:21, 97:11, 99:15, 99:22, 100:8, 102:19, 104:9, 106:4, 107:7, 109:22, 112:10, 112:12, 113:7, 113:12, 113:22, 115:1, 115:9, 115:17, 116:1, 116:14, 116:17, 118:18, 119:14, 120:3, 120:23, 121:9, 122:16, 124:23, 125:19, 126:16, 127:2, 128:3, 128:7, 129:4, 129:7, 129:9, 129:15, 129:17, 130:16, 131:3, 131:7, 131:24, 132:2, 132:15, 132:23, 133:2, 133:6, 133:15, 135:11, 136:22, 137:1, 137:18, 138:3, 138:10, 138:17, 139:1, 139:5, 139:19, 140:2, 141:10, 143:1, 143:13, 143:15, 143:21, 144:4, 146:1 Schneider ^[27] - 3:4, 3:9, 4:11, 15:4, 25:2, 25:7, 26:10, 26:23, 26:25, 27:15, 29:9, 29:12, 29:22, 30:4, 30:12, 30:24, 31:2,</p>	<p>31:18, 32:10, 40:14, 40:16, 41:14, 41:19, 41:20, 41:21, 89:18, 90:6 Schneider's ^[2] - 26:5, 32:16 Schwartz ^[16] - 46:12, 46:14, 47:22, 48:10, 52:9, 55:18, 57:9, 57:23, 59:10, 65:25, 69:16, 71:23, 73:5, 78:6, 79:7, 138:13 SCHWARTZ ^[45] - 2:6, 46:19, 47:1, 48:1, 48:4, 48:17, 48:20, 49:12, 50:3, 50:7, 50:17, 50:21, 51:9, 51:14, 51:24, 55:17, 57:25, 58:8, 58:14, 59:11, 60:3, 60:5, 60:16, 60:18, 61:4, 66:3, 67:4, 67:21, 67:24, 69:7, 69:24, 70:1, 71:24, 72:18, 73:22, 74:6, 74:20, 76:25, 78:12, 78:18, 79:6, 79:9, 138:13, 138:24, 139:4 scope ^[11] - 19:14, 26:24, 47:13, 48:21, 49:1, 60:12, 61:4, 71:16, 76:22, 77:25, 102:1 scratch ^[1] - 133:14 seats ^[1] - 33:3 second ^[5] - 9:17, 46:21, 50:8, 116:4, 116:7 secret ^[15] - 101:17, 101:22, 102:3, 102:5, 102:7, 102:10, 102:12, 102:15, 106:8, 106:13, 106:14, 106:20, 106:25, 107:10 Secret ^[9] - 101:19, 103:3, 103:19, 103:25, 104:7, 105:6, 107:11, 107:21, 128:12 Section ^[2] - 94:20, 139:12 section ^[8] - 22:8, 51:8, 56:3, 56:11, 84:17, 85:1, 85:22, 86:12 secure ^[1] - 92:10 Security ^[2] - 140:23, 142:20</p>	<p>see ^[31] - 17:14, 18:1, 22:3, 39:15, 41:3, 56:21, 57:2, 57:4, 64:19, 73:7, 75:5, 75:7, 75:21, 77:10, 84:18, 91:23, 98:6, 108:4, 110:12, 118:8, 118:16, 118:25, 119:18, 122:1, 130:6, 131:25, 134:13, 135:14, 139:19, 143:4, 146:9 seeing ^[1] - 117:1 seek ^[3] - 60:8, 60:13, 77:24 seeking ^[8] - 42:14, 47:4, 47:12, 49:13, 59:5, 61:15, 70:7, 70:13 seem ^[5] - 25:16, 25:18, 27:17, 27:19, 27:21 segment ^[1] - 30:13 select ^[2] - 40:22, 40:25 selected ^[2] - 21:12, 24:3 selection ^[4] - 15:7, 23:3, 23:19, 40:20 selections ^[1] - 15:17 send ^[2] - 25:4, 139:3 sends ^[1] - 35:5 sense ^[11] - 16:18, 16:19, 24:1, 29:11, 71:25, 108:11, 108:12, 110:3, 118:13, 129:13, 129:14 sensitive ^[3] - 120:6, 120:7, 137:12 sent ^[7] - 50:1, 52:25, 53:4, 54:12, 74:9, 83:13, 125:13 sentence ^[2] - 78:7, 78:13 Sentry ^[1] - 2:15 separate ^[6] - 40:4, 76:16, 81:3, 81:8, 97:24 separately ^[2] - 57:18, 63:23 September ^[2] - 6:13, 22:20 series ^[1] - 70:2 seriously ^[1] - 144:19 serve ^[4] - 14:8, 16:8, 94:1, 139:22 served ^[3] - 12:11, 16:10, 17:1</p>	<p>service ^[1] - 6:5 serving ^[1] - 68:12 session ^[3] - 112:24, 114:25, 134:22 sessions ^[1] - 112:24 set ^[12] - 11:18, 12:1, 12:10, 15:1, 16:6, 18:21, 19:3, 26:8, 47:5, 91:21, 98:16, 140:25 SETH ^[1] - 2:6 Seth ^[9] - 11:3, 20:22, 25:20, 45:22, 61:22, 87:21, 106:2, 130:8, 134:18 sets ^[2] - 31:19, 67:14 setting ^[3] - 12:5, 112:20, 122:9 settlement ^[4] - 24:2, 40:4, 40:19, 40:23 seven ^[8] - 114:5, 114:10, 114:18, 115:9, 115:11, 117:24, 118:11, 135:7 seven-hour ^[2] - 114:10, 114:18 several ^[1] - 64:6 severe ^[1] - 3:24 SHAH ^[3] - 2:18, 80:10, 80:14 Shah ^[1] - 80:10 shall ^[2] - 88:8, 121:10 Shanghai ^[1] - 109:5 shape ^[1] - 4:2 share ^[5] - 68:23, 71:14, 113:25, 124:7, 126:5 shared ^[3] - 69:2, 124:13, 124:14 Sharon ^[1] - 10:6 sheet ^[9] - 7:17, 20:3, 20:5, 20:9, 20:11, 20:16, 20:20, 20:25, 21:13 sheets ^[7] - 21:2, 21:6, 21:7, 21:15, 21:19, 26:20 shoes ^[1] - 66:14 short ^[3] - 26:12, 85:22, 126:20 short-form ^[1] - 26:12 short-winded ^[1] - 126:20 shortly ^[2] - 74:9, 133:14 shot ^[1] - 142:9 show ^[18] - 7:17, 7:22, 7:25, 8:23, 9:2, 9:13, 9:17, 11:14, 11:17,</p>
S				
<p>safe ^[2] - 42:1, 146:14 safeguard ^[1] - 100:7 safeguarded ^[1] - 97:10 safeguards ^[1] - 97:8 safety ^[3] - 118:20, 119:8, 119:16 salami ^[2] - 73:11, 88:18 sale ^[8] - 46:22, 52:5, 53:5, 56:15, 56:16, 57:12, 58:16, 68:22 sales ^[4] - 47:17, 48:15, 69:11, 81:22 sample ^[4] - 50:2, 54:12, 68:1, 68:3 sandwich ^[1] - 88:15 satisfactory ^[2] - 15:13, 86:9 saw ^[3] - 117:2, 140:25, 144:6 scary ^[1] - 28:20 schedule ^[13] - 13:8, 13:10, 15:6, 16:2, 22:20, 22:21, 26:8, 117:17, 130:9, 135:13, 143:3, 143:6, 143:12 scheduled ^[1] - 20:19 scheduling ^[3] - 22:1, 117:13, 132:4 Schiano ^[1] - 10:20 SCHIANO ^[1] - 10:20 Schindler ^[1] - 104:20 SCHNEIDER ^[162] - 1:9, 3:3, 3:10, 25:4, 41:20, 42:4, 44:19, 44:22, 46:5, 46:14, 46:21, 47:22, 48:2, 48:10, 48:18, 49:3, 49:21, 50:6, 50:8, 50:11, 50:18, 50:25, 51:7, 51:10, 51:22,</p>				

11:23, 12:4, 13:25,
53:22, 55:7, 64:16,
64:17, 104:22, 124:8
showing [1] - 112:23
shown [1] - 123:13
shows [1] - 27:2
shut [4] - 5:10, 5:12,
6:10, 6:12
shutdowns [1] - 117:1
sic [1] - 124:7
sick [1] - 116:6
side [10] - 13:18, 18:7,
20:2, 20:10, 39:24,
71:11, 82:17, 112:1,
136:14
side's [2] - 18:16, 19:2
sides [11] - 12:9,
18:12, 19:24, 25:13,
25:14, 29:10, 31:15,
40:13, 64:20, 112:5,
123:6
significant [1] - 21:20
silent [1] - 35:6
similar [4] - 60:8,
67:5, 89:21, 89:24
similarities [1] - 90:10
similarly [1] - 85:12
simple [5] - 74:21,
86:8, 97:1, 119:1,
119:9
simplify [2] - 97:22,
98:1
simply [3] - 32:13,
85:2, 137:17
simultaneously [1] -
22:4
single [6] - 5:15,
52:17, 56:22, 57:2,
68:16, 70:24
sit [2] - 64:9, 136:11
sitting [2] - 13:19,
110:17
situation [4] - 28:20,
29:20, 37:3, 119:3
situations [1] - 42:17
six [9] - 33:1, 37:15,
44:4, 44:24, 50:22,
51:12, 63:22, 67:14
size [2] - 66:13, 68:23
skip [1] - 108:15
sky [1] - 130:18
slated [1] - 68:11
Slater [39] - 15:22,
15:24, 17:11, 28:9,
31:2, 44:11, 45:4,
51:25, 58:12, 59:5,
62:3, 65:8, 66:12,
78:15, 78:20, 79:10,
81:11, 82:17, 83:14,
87:23, 88:6, 90:25,

96:3, 96:11, 97:11,
104:11, 104:13,
106:5, 109:22,
123:3, 124:23,
126:18, 129:17,
131:24, 133:16,
136:1, 144:20,
144:22, 145:3
SLATER [78] - 1:11,
1:12, 15:22, 16:1,
16:16, 17:12, 18:6,
18:18, 28:9, 41:9,
44:11, 45:3, 50:9,
50:14, 51:1, 52:1,
52:12, 55:24, 56:2,
57:13, 60:15, 60:24,
62:5, 65:11, 65:16,
65:19, 65:23, 67:10,
68:10, 70:16, 74:15,
74:21, 75:9, 75:14,
75:18, 75:25, 79:12,
79:17, 81:9, 81:12,
82:3, 82:22, 85:21,
87:1, 88:10, 88:14,
88:18, 91:2, 97:12,
98:11, 104:14,
109:23, 111:19,
113:2, 121:7,
121:14, 121:18,
124:24, 126:9,
126:13, 126:17,
126:19, 127:16,
128:5, 128:17,
129:14, 129:16,
129:18, 131:2,
131:4, 131:9,
131:13, 132:1,
132:7, 132:17,
133:9, 133:20, 136:3
Slater's [5] - 50:12,
74:11, 134:19,
140:21, 144:6
Sleet [1] - 36:17
slicing [1] - 88:18
slightly [1] - 82:18
slip [1] - 141:6
slot [1] - 133:5
small [3] - 50:22, 70:2,
73:25
smaller [2] - 22:12,
111:20
Smoot [1] - 10:4
SMOOT [1] - 10:4
smooth [3] - 28:25,
81:18, 106:11
smoother [1] - 108:6
smoothly [3] - 103:7,
105:16, 127:9
society [1] - 121:1
Society [1] - 36:18

Solco [6] - 74:23,
75:7, 75:10, 76:14,
77:18, 77:19
sold [4] - 52:19, 53:19,
59:2, 70:24
solely [1] - 19:12
solution [2] - 112:8,
143:11
solve [1] - 78:1
solved [1] - 33:4
solvents [8] - 52:23,
85:5, 85:6, 85:9,
85:11, 85:17, 85:23,
86:17
someone [7] - 11:22,
20:19, 83:20,
103:15, 122:21,
132:18, 141:10
someplace [1] - 93:11
sometime [1] - 32:23
somewhat [2] - 20:7,
20:8
somewhere [2] -
21:14, 138:2
Sonja [1] - 10:20
SONJA [1] - 10:20
soon [5] - 13:16,
13:22, 15:1, 32:16,
42:2
sooner [1] - 69:20
SOP [1] - 67:16
SOPs [12] - 61:16,
61:19, 64:9, 64:10,
64:17, 65:7, 65:18,
65:21, 66:1, 66:4,
66:5, 66:9
sorry [20] - 14:20,
25:24, 48:11, 48:18,
52:7, 55:25, 65:14,
65:15, 65:16, 77:3,
81:10, 82:7, 88:14,
88:16, 92:13, 113:2,
121:8, 128:8, 131:4,
139:1
sort [18] - 4:13, 28:24,
42:17, 50:2, 77:8,
97:13, 97:19, 98:7,
98:8, 101:21,
121:17, 122:14,
139:17, 140:7,
140:8, 140:11,
144:21, 145:13
sorts [1] - 43:4
sought [2] - 69:8,
101:11
sounds [3] - 42:5,
82:1, 110:22
source [4] - 48:7,
54:20, 54:21, 139:6
South [3] - 58:24,

58:25, 59:7
speaking [3] - 62:2,
103:13, 126:22
special [40] - 24:19,
24:22, 25:15, 26:4,
27:19, 28:1, 28:2,
28:5, 28:6, 28:18,
30:13, 30:24, 30:25,
31:12, 31:17, 31:20,
33:18, 34:2, 35:9,
35:11, 35:21, 35:22,
36:11, 36:13, 36:16,
36:22, 37:9, 37:16,
37:25, 38:16, 39:16,
39:23, 40:4, 40:6,
40:12, 40:16, 40:22,
41:7, 69:21
specific [28] - 45:11,
46:4, 47:14, 49:8,
49:23, 49:24, 50:19,
52:8, 57:5, 58:4,
63:14, 64:17, 65:4,
65:9, 72:1, 73:25,
78:17, 78:19, 81:7,
82:15, 83:6, 90:24,
95:15, 105:5, 107:7,
107:8, 122:2, 140:13
specifically [11] -
47:2, 48:14, 49:17,
51:19, 58:9, 63:9,
66:9, 83:15, 83:18,
83:23, 137:5
specificity [3] - 62:12,
65:21, 67:19
specifics [1] - 90:14
specified [2] - 65:5,
76:14
speculation [1] -
70:12
speculatively [1] -
72:10
spend [1] - 44:2
spent [4] - 29:12,
32:17, 126:6, 141:15
split [2] - 54:6, 113:15
spoiled [1] - 29:10
spring [3] - 5:20, 6:2,
32:23
stage [4] - 11:12,
11:18, 11:23, 15:17
standard [11] - 31:20,
52:23, 61:7, 61:9,
62:15, 63:10, 77:4,
77:6, 77:12, 84:19
standing [1] - 104:16
standpoint [2] - 5:8,
135:5
stands [2] - 48:25,
79:4
STANOCH [7] - 1:15,

8:12, 9:5, 9:23,
10:15, 140:5, 143:14
Stanoch [6] - 8:12,
9:5, 9:23, 10:15,
140:5, 141:24
stars [1] - 140:17
start [31] - 4:16, 5:16,
6:17, 12:14, 12:17,
13:16, 14:3, 15:20,
20:13, 29:3, 42:8,
44:6, 44:14, 44:15,
44:16, 45:8, 46:9,
46:10, 50:16, 64:2,
68:11, 68:12, 75:24,
89:23, 110:20,
115:11, 132:5,
133:4, 133:6,
135:12, 135:13
started [10] - 20:9,
20:10, 87:5, 87:6,
88:15, 104:4, 132:3,
132:7, 134:14, 146:8
starting [5] - 24:4,
45:6, 91:5, 114:19,
132:13
starts [2] - 110:15,
131:22
state [19] - 10:24,
11:1, 11:5, 101:16,
101:22, 102:3,
102:5, 102:7,
102:10, 102:11,
102:15, 106:8,
106:13, 106:14,
106:20, 106:25,
107:9, 131:18
State [10] - 29:18,
101:19, 103:3,
103:19, 103:25,
104:7, 105:6,
107:11, 107:21,
128:12
statement [3] - 63:6,
75:1, 122:12
statements [1] - 74:10
States [27] - 31:24,
32:20, 34:13, 34:14,
34:16, 35:1, 35:19,
38:18, 46:22, 47:18,
48:6, 51:18, 51:21,
52:5, 54:25, 55:13,
56:17, 58:16, 58:25,
59:3, 59:8, 72:5,
94:2, 110:7, 133:23,
134:5, 134:16
STATES [3] - 1:1, 1:8,
1:9
states [3] - 3:24, 4:23,
38:11
statistics [2] - 37:5,

<p>37:6 status^[5] - 11:6, 20:15, 32:15, 37:1, 83:8 STATUS^[1] - 1:5 stay^[2] - 3:14, 86:10 stays^[5] - 72:17, 73:16, 84:24, 87:20, 146:14 stenography^[1] - 1:24 step^[5] - 16:1, 32:19, 62:12, 86:18, 86:20 stepped^[1] - 57:19 stepping^[1] - 96:25 steps^[1] - 92:10 Steve^[2] - 8:1, 83:2 STEVE^[1] - 2:10 Stewart^[1] - 7:19 STEWART^[1] - 7:20 sticky^[1] - 130:3 still^[10] - 3:25, 8:25, 33:4, 58:14, 73:25, 74:10, 74:13, 109:3, 113:4, 136:18 Stock^[1] - 36:18 stop^[1] - 145:23 stores^[1] - 3:16 straddle^[1] - 95:23 strange^[1] - 138:18 strategically^[1] - 130:20 streamline^[1] - 131:21 Street^[3] - 1:15, 2:3, 2:7 stretch^[1] - 88:25 stricken^[1] - 70:15 strike^[4] - 69:8, 83:14, 84:3, 98:19 struck^[2] - 68:15, 85:20 stuff^[1] - 7:16 subject^[7] - 86:13, 92:20, 101:16, 106:21, 114:24, 137:14, 138:3 submission^[1] - 144:20 submit^[2] - 39:9, 41:2 submitted^[3] - 22:19, 74:10, 143:18 subpoena^[8] - 136:22, 137:3, 137:4, 137:19, 138:4, 138:21, 139:22 subpoenaing^[1] - 137:25 subsection^[1] - 46:9</p>	<p>subsidiaries^[1] - 76:11 substance^[1] - 50:22 substances^[1] - 13:19 substantive^[1] - 43:3 sudden^[1] - 62:13 suffering^[1] - 4:1 sufficient^[5] - 14:25, 62:12, 67:18, 77:2, 87:20 suggest^[17] - 11:9, 13:23, 14:24, 15:8, 16:16, 16:24, 40:5, 40:13, 40:18, 41:4, 41:5, 45:4, 92:6, 102:22, 127:18, 133:15, 135:11 suggested^[3] - 91:5, 110:22, 141:24 suggesting^[2] - 17:7, 18:14 suggestion^[8] - 14:6, 22:24, 24:7, 27:25, 39:22, 99:13, 143:1 Suite^[4] - 1:15, 1:18, 2:11, 2:15 Suits^[1] - 9:7 SUITS^[1] - 9:8 summary^[1] - 11:11 summer^[5] - 5:21, 6:3, 6:17, 117:5, 144:24 Sunday^[1] - 3:12 Supp^[1] - 36:19 suppliers^[1] - 54:1 Supply^[2] - 140:23, 142:19 supply^[5] - 20:6, 20:24, 38:15, 81:2, 81:8 support^[2] - 28:17, 117:12 suppose^[8] - 58:21, 84:5, 93:1, 96:7, 96:10, 99:5, 99:19, 116:6 supposed^[1] - 99:8 Supreme^[6] - 33:17, 35:1, 35:3, 35:12, 36:4, 36:13 surge^[1] - 116:25 surprise^[1] - 134:3 surprised^[4] - 5:19, 57:19, 64:14, 76:23 survive^[1] - 12:24 Susan^[1] - 10:4 suspicious^[1] - 55:2 swamped^[1] - 32:13 sweeping^[1] - 54:17</p>	<p>system^[1] - 35:19</p> <p style="text-align: center;">T</p> <p>T10^[1] - 108:15 tab^[1] - 75:16 tackle^[1] - 90:25 Takata^[1] - 38:4 TAKATA^[1] - 38:4 TAKEN^[1] - 89:15 Talcum^[1] - 37:10 talks^[2] - 65:18, 135:23 tape^[1] - 63:13 TAR^[4] - 143:23, 145:10, 145:15, 145:17 Tarhune^[1] - 9:9 TARHUNE^[1] - 9:9 team^[1] - 105:4 technical^[2] - 114:12, 114:13 technically^[2] - 30:1, 68:12 technology^[2] - 114:14, 145:19 techs^[1] - 19:9 tee^[14] - 25:14, 103:4, 103:18, 104:23, 107:10, 108:6, 128:6, 128:11, 128:13, 128:14, 128:18, 129:11, 138:23, 143:4 teed^[3] - 104:24, 141:7, 143:8 telephone^[1] - 1:5 TELEPHONE^[1] - 3:1 ten^[6] - 10:9, 10:11, 99:25, 109:4, 109:5, 130:19 ten-hour^[2] - 109:4, 109:5 tend^[1] - 4:15 term^[4] - 70:11, 72:20, 73:6, 110:13 terminology^[1] - 71:20 terms^[29] - 21:21, 22:1, 22:3, 23:5, 26:23, 44:5, 61:6, 61:15, 72:5, 72:9, 90:12, 91:12, 91:13, 91:20, 97:1, 97:4, 97:17, 101:9, 101:21, 108:17, 117:13, 128:19, 128:21, 130:14, 132:8, 145:3 terribly^[1] - 43:2</p>	<p>terrific^[2] - 83:1, 91:24 tested^[2] - 70:24, 70:25 testifies^[1] - 123:23 testify^[12] - 19:1, 66:6, 72:8, 76:6, 76:9, 77:16, 79:2, 80:24, 83:20, 94:18, 95:19 testimony^[17] - 55:21, 68:1, 72:3, 78:2, 80:25, 81:5, 95:4, 95:12, 96:1, 101:7, 102:7, 102:10, 103:25, 104:3, 106:23, 120:17, 125:23 testing^[17] - 48:8, 54:22, 55:8, 56:3, 56:11, 56:13, 59:19, 70:19, 71:8, 83:21, 83:25, 84:6, 85:6, 85:13, 85:14, 85:15, 85:17 tetrazole^[1] - 86:18 Teva^[21] - 2:12, 2:12, 8:2, 83:1, 83:3, 83:16, 83:17, 83:22, 84:1, 84:5, 84:15, 85:17, 86:20, 87:9, 87:13, 87:15, 87:25, 143:18, 145:5, 145:18 Teva's^[9] - 23:7, 83:8, 83:20, 83:25, 85:4, 85:6, 85:11, 85:15 text^[1] - 25:4 thankful^[1] - 4:1 Thanksgiving^[4] - 3:21, 4:3, 40:8, 42:2 THE^[4] - 1:1, 1:8, 1:9, 42:3 the court^[59] - 10:25, 11:11, 12:6, 13:3, 16:21, 22:19, 26:4, 26:19, 27:3, 27:6, 28:1, 31:20, 32:10, 37:7, 45:9, 45:25, 47:5, 47:13, 49:7, 49:22, 49:23, 56:6, 60:1, 62:14, 64:3, 65:3, 69:19, 73:5, 74:7, 74:14, 82:19, 89:8, 90:4, 93:3, 93:15, 93:16, 94:19, 94:23, 95:14, 100:4, 101:23, 103:10, 104:8, 106:14, 112:6, 113:20,</p>	<p>115:4, 116:5, 120:2, 121:13, 121:17, 122:22, 125:22, 127:6, 127:22, 127:24, 132:2, 137:20, 139:25 theme^[1] - 98:7 themselves^[3] - 30:15, 121:11, 140:16 Theodore^[1] - 8:9 therefore^[1] - 36:15 they've^[9] - 6:14, 9:16, 23:3, 39:5, 76:13, 96:17, 96:22, 138:16, 144:11 thin^[1] - 73:12 thinking^[4] - 45:18, 88:16, 118:1, 130:22 thinks^[1] - 6:3 Third^[3] - 35:14, 36:3, 36:15 third^[6] - 32:3, 38:8, 50:10, 50:15, 56:21, 62:7 third-party^[2] - 32:3, 38:8 Thomas^[2] - 10:6, 10:23 thorough^[1] - 4:8 thoughts^[3] - 43:20, 44:4, 44:9 threat^[1] - 105:25 three^[11] - 6:24, 6:25, 7:1, 18:15, 31:24, 37:21, 44:3, 51:12, 74:16, 99:8, 140:12 throughout^[5] - 52:21, 56:20, 67:8, 73:6, 134:21 Thursday^[1] - 40:8 ties^[3] - 109:24, 115:19, 116:23 timely^[3] - 11:25, 31:21, 38:20 timing^[3] - 22:2, 44:5, 104:18 Title^[1] - 139:12 today^[15] - 3:12, 3:15, 3:18, 25:14, 26:8, 27:12, 28:16, 30:5, 44:13, 69:14, 82:16, 82:24, 98:18, 112:4, 125:13 today's^[1] - 68:6 toes^[1] - 16:1 together^[10] - 20:11, 49:5, 57:20, 57:21, 71:16, 75:14, 75:15, 100:25, 109:24,</p>
--	---	---	---	--

<p>110:2 tomorrow ^[1] - 88:11 tone ^[1] - 63:23 took ^[3] - 3:17, 21:3, 43:14 tooling ^[1] - 136:13 top ^[2] - 21:19, 96:18 Topic ^[2] - 65:17, 72:1 topic ^[8] - 47:2, 47:12, 60:6, 72:3, 76:24, 77:16, 86:4, 87:20 topics ^[25] - 30:6, 47:3, 47:7, 61:13, 68:5, 72:1, 75:2, 75:22, 77:20, 78:2, 80:22, 80:25, 81:7, 81:17, 86:10, 86:13, 86:19, 87:18, 88:8, 95:13, 105:8, 128:22, 128:25, 132:12, 133:23 Topics ^[1] - 67:25 Torghele ^[1] - 9:8 TORGHELE ^[1] - 9:9 Torrent ^[4] - 2:22, 82:4, 82:6, 82:10 total ^[6] - 15:9, 38:4, 38:6, 38:13, 109:6, 117:10 tough ^[2] - 3:22, 88:11 towards ^[2] - 98:25, 127:21 toxic ^[3] - 48:8, 54:22, 59:18 Toyota ^[1] - 38:12 track ^[4] - 11:20, 28:25, 55:19, 88:16 tracks ^[1] - 12:15 tradition ^[1] - 122:4 traditions ^[1] - 120:19 train ^[1] - 109:5 transcript ^[5] - 1:24, 63:8, 65:13, 70:19, 70:22 transcription ^[1] - 1:24 transcripts ^[2] - 17:19, 146:12 transitioning ^[1] - 29:2 translate ^[1] - 126:6 translated ^[3] - 123:15, 124:4 translation ^[2] - 115:7, 133:18 translations ^[4] - 124:2, 125:3, 125:23, 126:3 translators ^[2] - 123:19, 126:23</p>	<p>transmitting ^[1] - 118:7 transparent ^[1] - 69:6 transparently ^[1] - 81:24 TRAURIG ^[1] - 2:9 Traurig ^[4] - 8:2, 17:16, 83:3, 143:18 Travel ^[1] - 38:2 travel ^[13] - 108:25, 109:2, 109:17, 113:16, 115:20, 115:24, 117:4, 117:5, 118:3, 118:5, 118:15, 118:17, 133:18 traveling ^[3] - 97:5, 110:7, 117:9 tremendous ^[3] - 30:2, 30:16, 54:8 trial ^[10] - 5:2, 6:25, 15:15, 15:17, 24:1, 33:7, 33:19, 34:2, 34:5, 35:10 trials ^[18] - 4:22, 5:9, 5:15, 5:17, 5:21, 6:11, 6:17, 6:18, 6:24, 7:6, 7:7, 15:7, 15:12, 30:10, 33:8, 33:11 tried ^[4] - 7:2, 23:1, 123:14, 123:24 trigger ^[1] - 44:13 triggered ^[3] - 44:17, 53:7, 54:11 trip ^[3] - 109:3, 109:4, 109:6 trouble ^[3] - 119:5, 123:8, 127:12 troubles ^[1] - 118:23 Troyce ^[1] - 10:5 TROYCE ^[1] - 10:5 truck ^[1] - 110:18 true ^[1] - 5:25 trust ^[2] - 4:17, 40:8 try ^[23] - 4:24, 5:20, 7:11, 18:1, 24:17, 33:9, 54:5, 88:19, 107:24, 109:10, 109:11, 111:10, 114:22, 122:13, 129:25, 133:4, 134:1, 136:12, 143:8 trying ^[14] - 32:8, 45:23, 52:13, 52:14, 53:8, 76:3, 77:24, 97:6, 104:4, 127:21, 131:21, 136:19, 139:17, 146:7 Tuesday ^[2] - 1:6,</p>	<p>3:15 tune ^[1] - 41:18 turn ^[9] - 17:24, 18:1, 41:22, 56:3, 62:7, 72:1, 76:3, 96:3, 145:11 turned ^[1] - 145:9 turns ^[1] - 143:20 two ^[35] - 5:12, 6:12, 7:9, 7:18, 18:24, 31:25, 32:12, 33:19, 34:7, 44:3, 47:4, 51:12, 57:8, 58:5, 61:5, 67:24, 68:11, 71:14, 83:14, 84:2, 84:16, 90:11, 94:6, 94:8, 99:9, 109:3, 110:2, 112:24, 114:19, 114:24, 123:18, 124:13, 124:19, 135:23, 140:6 two-day ^[1] - 114:24 type ^[7] - 22:13, 28:17, 59:24, 63:13, 65:21, 81:23, 127:9 types ^[5] - 13:12, 29:5, 59:16, 63:10, 94:13 typically ^[1] - 49:13</p>	<p>146:11 underlying ^[1] - 92:5 understood ^[6] - 16:9, 56:9, 84:25, 87:25, 100:23, 111:20 undoubtedly ^[1] - 139:5 unfair ^[2] - 118:4, 126:25 unfortunate ^[1] - 56:4 unfortunately ^[4] - 55:4, 120:25, 121:4, 144:15 unidentified ^[3] - 48:8, 54:21, 59:19 Unintended ^[1] - 38:12 UNITED ^[3] - 1:1, 1:8, 1:9 United ^[27] - 31:24, 32:20, 34:13, 34:14, 34:16, 35:1, 35:19, 38:18, 46:22, 47:18, 48:6, 51:18, 51:20, 52:5, 54:25, 55:13, 56:16, 58:16, 58:24, 59:3, 59:8, 72:5, 94:2, 110:7, 133:22, 134:5, 134:16 unknown ^[2] - 48:7, 54:21 unless ^[9] - 4:23, 7:11, 8:25, 18:7, 24:20, 30:17, 51:22, 113:24, 144:13 unlike ^[1] - 106:16 unlikely ^[1] - 102:10 unlimited ^[2] - 130:22, 131:20 unprecedented ^[2] - 29:14, 29:15 unprofessional ^[1] - 122:20 unquote ^[4] - 70:8, 74:18, 77:10, 98:15 unreasonable ^[3] - 38:24, 39:1, 113:21 unredacted ^[6] - 136:23, 138:5, 138:8, 138:12, 138:15, 138:20 unrelated ^[1] - 85:13 untold ^[1] - 61:8 untruthful ^[2] - 55:5, 55:6 unwieldy ^[1] - 108:3 unworkable ^[1] - 125:8 up ^[59] - 5:1, 5:24, 6:21, 7:1, 12:10,</p>	<p>12:17, 15:14, 18:21, 19:3, 20:9, 21:5, 21:8, 23:17, 23:25, 25:2, 25:14, 31:9, 34:21, 40:1, 45:8, 50:18, 54:6, 57:19, 58:10, 58:23, 62:14, 67:22, 73:7, 82:9, 90:4, 91:10, 95:8, 99:18, 103:5, 103:18, 104:23, 104:24, 105:14, 107:10, 108:6, 110:23, 112:18, 116:17, 116:18, 117:6, 121:23, 123:24, 128:6, 128:11, 128:13, 128:14, 128:18, 129:11, 138:6, 138:23, 139:23, 141:8, 143:4, 143:8 upcoming ^[1] - 29:17 upfront ^[2] - 57:21, 90:2 urgency ^[1] - 118:8 USA ^[2] - 2:12, 2:16 useful ^[2] - 80:24, 81:5 uses ^[1] - 49:24 USP ^[1] - 56:10 utilized ^[2] - 85:6, 85:11</p>
U				
<p>U.S. ^[20] - 35:14, 52:20, 53:19, 57:12, 58:19, 71:17, 76:12, 77:18, 77:20, 81:23, 109:14, 114:20, 114:21, 117:3, 134:10, 134:24, 135:1, 135:3, 135:4, 135:9 U.S.-backed ^[1] - 135:4 U.S.A ^[1] - 81:14 ultimately ^[3] - 91:3, 99:6, 111:4 unable ^[2] - 8:4, 71:12 unacceptable ^[1] - 122:19 uncertain ^[1] - 61:6 uncivilly ^[1] - 122:20 unclear ^[2] - 72:2, 72:8 under ^[16] - 32:22, 68:6, 75:16, 77:4, 78:17, 84:17, 91:21, 92:20, 101:11, 101:19, 115:11, 118:15, 118:17, 119:22, 139:11,</p>				
V				
<p>vacancies ^[1] - 33:1 vacate ^[1] - 11:18 vacating ^[1] - 42:12 vaccinations ^[1] - 5:25 vacuum ^[1] - 100:9 vague ^[1] - 70:11 valid ^[2] - 57:2, 137:24 VALSARTAN ^[1] - 1:3 Valsartan ^[27] - 46:22, 47:18, 48:9, 48:25, 49:9, 51:15, 51:16, 52:4, 52:19, 54:22, 54:23, 55:3, 56:10, 56:16, 57:11, 58:23, 58:24, 59:2, 63:4, 67:8, 72:5, 72:23, 89:19, 128:9, 128:10 vanilla ^[1] - 98:21 variety ^[1] - 34:4 various ^[1] - 39:25 vein ^[2] - 136:2, 146:9 venue ^[1] - 5:8 version ^[1] - 74:8</p>				

<p>versus [2] - 35:14, 36:2</p> <p>vetted [1] - 105:19</p> <p>VI [1] - 67:23</p> <p>VIA [1] - 3:1</p> <p>via [1] - 139:14</p> <p>Via [1] - 1:5</p> <p>Victoria [2] - 17:15, 143:17</p> <p>VICTORIA [1] - 2:9</p> <p>video [2] - 92:12, 110:24</p> <p>videoconference [2] - 109:7, 114:12</p> <p>view [7] - 26:3, 27:17, 67:18, 95:18, 112:7, 117:23, 142:24</p> <p>virtually [3] - 26:11, 53:18, 63:16</p> <p>visa [1] - 109:1</p> <p>voluntarily [3] - 98:24, 100:5, 125:5</p> <p>voluntary [17] - 92:9, 92:22, 93:6, 93:11, 93:21, 94:5, 95:20, 96:1, 96:10, 98:13, 98:16, 99:6, 99:17, 99:25, 100:13, 100:17, 100:21</p> <p>volunteered [1] - 145:10</p> <p>volution [1] - 92:7</p> <p>votes [2] - 34:16, 34:24</p>	<p>waste [1] - 136:15</p> <p>waterfall [1] - 20:5</p> <p>Wawa [1] - 3:16</p> <p>Wear [1] - 37:20</p> <p>wear [1] - 66:14</p> <p>Wednesday [1] - 131:16</p> <p>week [7] - 13:22, 18:24, 26:17, 40:8, 88:13, 88:20, 110:9</p> <p>weekend [3] - 29:15, 83:5, 83:14</p> <p>weeks [8] - 5:12, 11:15, 14:23, 18:16, 22:23, 27:1, 33:9, 91:20</p> <p>Welch [1] - 9:10</p> <p>WELCH [1] - 9:10</p> <p>welcome [1] - 143:15</p> <p>welfare [2] - 119:9, 119:16</p> <p>Wells [1] - 36:2</p> <p>WERNER [1] - 2:14</p> <p>whatsoever [3] - 5:7, 5:17, 39:21</p> <p>whence [1] - 5:3</p> <p>whereas [1] - 56:7</p> <p>wherein [1] - 36:21</p> <p>White [2] - 9:11, 37:20</p> <p>white [1] - 56:19</p> <p>WHITELEY [1] - 2:2</p> <p>whole [3] - 60:25, 86:4, 135:17</p> <p>wholesale [1] - 59:21</p> <p>wholesaler [5] - 26:17, 43:24, 135:25, 140:3, 140:22</p> <p>wholesalers [6] - 21:5, 141:11, 141:18, 142:10, 142:19</p> <p>wholly [1] - 76:11</p> <p>wholly-owned [1] - 76:11</p> <p>wider [1] - 112:6</p> <p>William [1] - 10:19</p> <p>Williams [7] - 10:21, 27:20, 29:25, 30:1, 31:7, 31:8</p> <p>willing [3] - 39:4, 69:9, 142:6</p> <p>winded [1] - 126:20</p> <p>wires [1] - 32:7</p> <p>wish [2] - 51:19, 144:16</p> <p>withheld [2] - 105:9, 106:8</p> <p>witness [45] - 64:14, 68:5, 68:9, 76:6,</p>	<p>76:9, 76:23, 79:2, 80:23, 84:20, 85:21, 86:3, 86:16, 92:11, 92:19, 92:22, 94:3, 94:4, 94:16, 98:4, 98:14, 98:24, 100:16, 100:17, 101:18, 102:15, 104:6, 104:17, 106:21, 107:4, 110:21, 114:7, 115:12, 115:20, 115:24, 116:4, 116:6, 117:23, 122:7, 122:10, 122:13, 123:13, 123:23, 124:8, 125:24</p> <p>witness's [1] - 120:19</p> <p>witnesses [42] - 54:8, 76:3, 93:19, 94:9, 94:10, 94:14, 95:22, 96:1, 96:10, 97:3, 97:9, 98:5, 100:2, 101:16, 109:16, 110:5, 110:24, 113:16, 117:20, 117:22, 117:24, 118:2, 118:5, 118:11, 118:16, 126:22, 132:10, 133:5, 133:17, 133:19, 133:22, 134:10, 134:24, 134:25, 135:1, 135:4, 135:6, 135:7, 135:9, 136:16</p> <p>wonderful [2] - 30:1, 111:9</p> <p>word [5] - 70:10, 71:23, 72:21, 106:4</p> <p>words [3] - 72:24, 99:25, 145:15</p> <p>works [1] - 58:21</p> <p>workup [1] - 23:3</p> <p>world [7] - 29:4, 39:18, 54:2, 54:21, 55:11, 109:21, 116:25</p> <p>worldwide [3] - 53:2, 53:7, 54:11</p> <p>worried [1] - 22:10</p> <p>worse [1] - 33:15</p> <p>worth [2] - 27:24, 77:13</p> <p>wrapping [1] - 66:13</p> <p>write [1] - 123:24</p> <p>written [11] - 26:13, 26:14, 28:11, 31:4, 34:10, 48:24, 53:20,</p>	<p>116:8, 123:22, 141:2, 142:5</p> <p>wrongly [1] - 66:20</p> <p>wrote [1] - 74:15</p>	<p>102:24, 107:16, 109:4, 135:5</p> <p>zone [4] - 109:12, 111:6, 112:9, 115:12</p> <p>Zoom [2] - 114:14, 122:9</p>
Y				
<p>year [12] - 6:2, 13:24, 28:14, 29:6, 33:4, 33:11, 33:12, 47:6, 69:12, 117:2, 146:8</p> <p>years [11] - 6:20, 30:4, 32:15, 33:22, 34:10, 35:22, 36:19, 70:25, 71:4, 71:14, 139:16</p> <p>yesterday [2] - 42:11, 144:20</p> <p>York [1] - 2:22</p> <p>yourselves [1] - 143:3</p>				
Z				
<p>zero [2] - 119:15, 122:22</p> <p>ZHP [93] - 2:8, 43:24, 49:16, 50:3, 50:15, 53:25, 54:1, 54:5, 55:1, 55:4, 56:5, 56:7, 56:10, 56:13, 57:10, 58:22, 60:7, 62:8, 63:16, 64:23, 66:16, 67:19, 68:14, 74:2, 74:3, 74:6, 74:22, 74:25, 75:3, 75:9, 75:15, 75:16, 75:23, 76:8, 76:11, 76:17, 77:10, 77:13, 77:14, 77:18, 77:25, 78:3, 78:9, 78:16, 78:21, 78:24, 79:3, 79:8, 87:4, 87:10, 87:12, 87:22, 90:23, 90:25, 91:4, 93:2, 93:16, 93:17, 94:2, 94:17, 94:19, 94:24, 95:5, 95:11, 95:15, 96:8, 96:9, 99:1, 100:12, 100:19, 104:21, 105:22, 106:7, 112:2, 117:25, 134:2, 134:6, 134:22, 134:25, 135:6, 135:24, 136:5, 136:17, 136:19, 137:14, 137:25, 138:11, 138:14, 138:18, 139:3</p> <p>ZHP's [11] - 56:14, 56:16, 67:6, 72:4, 77:3, 83:23, 86:19,</p>				
W				
<p>wait [4] - 118:11, 118:25, 130:6, 134:13</p> <p>waiting [1] - 133:24</p> <p>waive [1] - 111:16</p> <p>waiving [1] - 5:6</p> <p>walk [3] - 46:1, 64:20, 83:9</p> <p>walking [1] - 90:19</p> <p>WALLACK [1] - 2:17</p> <p>Walsh [1] - 10:23</p> <p>wants [16] - 14:4, 15:21, 18:7, 28:8, 50:16, 69:5, 93:1, 93:8, 93:25, 98:16, 100:11, 100:19, 102:12, 116:18, 128:6, 132:18</p> <p>Ware [1] - 10:21</p> <p>WARE [1] - 10:21</p> <p>warrant [1] - 69:22</p> <p>warranted [1] - 28:7</p> <p>warrants [1] - 27:18</p>				